#### INFORMATIONAL HEARING

#### BEFORE THE

# CALIFORNIA ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

PALM SPRINGS CITY HALL

COUNCIL CHAMBERS

3200 TAHQUITZ CANYON WAY

PALM SPRINGS, CALIFORNIA

MONDAY, JULY 30, 2001 6:25 P.M.

Reported by: Valorie Phillips Contract No. 170-01-001

ii

COMMITTEE MEMBERS PRESENT

Robert Pernell, Presiding Member

Susan Gefter, Hearing Officer

Terry O'Brien, Advisor

STAFF PRESENT

Jeff Ogata, Staff Counsel

Marc Pryor, Project Manager

PUBLIC ADVISER

Roberta Mendonca

#### APPLICANT

Michael J. Carroll, Attorney Kimberly M. McCormick, Attorney Marian Harvey, Attorney Latham and Watkins

Robert Hren, Vice President InterGen North America

N. Thomas Sheahan, Vice President Jun Wang, Senior Project Manager Henry Fehlman, Principal Water Resources Engineer W. Greg Hamer, Senior Hydrologist Joan Heredia, Manager, Air Quality Services Anne M. Knowlton, Director of Biological Services URS Corporation

Charles G. Worthington, Project Engineer Bechtel International, Inc.

#### INTERVENORS

Sky C. Stanfield, Legal Assistant Adams, Broadwell, Joseph and Cardozo representing California Unions for Reliable Energy

iii

#### ALSO PRESENT

William G. Kleindienst, Mayor Hope V. Sullivan, Principal Planner City of Palm Springs

Ernest Quintana, Superintendent Chris Holbeck, Resource Management Specialist U.S. Department of the Interior National Park Service Joshua Tree National Park

John P. Notar, Meteorologist U.S. Department of the Interior National Park Service Air Resources Division

Leanne Chavez Colorado River Regional Water Quality Control Board

Pang Mueller South Coast Air Quality Management District

Matt McDonald U.S. Fish and Wildlife Service

Jan Pye, City Council Member Desert Hot Springs

Joyce Manley

Steven Bayrd

Theresa Covey

Thomas Covey

John Cotten

Shari Joseph

Ralph Hitchcock, President Palm Springs Economic Development Corporation

Daryl Gilbreath

Dr. Hans Petermann, President Hot Technologies

ALSO PRESENT

Bud Horowitz

Fred Noble

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### INDEX

	Page
Proceedings	1
Opening Remarks	1
Introductions	1
Background	8
Public Adviser's Report	11
Presentations	17
Applicant	17
CEC Staff	31
Mayor Kleindienst, City of Palm Springs	38
Issue Identification Report and Scheduling	42
CEC Staff	42
Applicant 46,8	0,90
Agencies	47
National Park Service	47
South Coast Air Quality Management Distric	t 83
U.S. Fish and Wildlife Service	89
City of Palm Springs	92
Public Comment	93
Joyce Manley	93
Steve Bayrd	105
Theresa Covey	107
Thomas Covey	115
John Cotten	119

vi

## INDEX

	Page
Issue Identification Report and Scheduling - continued	
Public Comment - continued	
Barbara Grumbine (statement read into record by Public Adviser)	125
Shari Joseph	127
Ralph Hitchcock, President, Palm Springs Economic Development Corporation	132
Daryl Gilbreath	137
Dr. Hans Petermann, President Hot Technologies	153
Bud Horowitz	156
Fred Noble	160
Janice Hauck (report by Public Adviser)	166
Schedule	167
Closing Remarks	171
Adjournment	174
Reporter's Certificate	175

1	PROCEEDINGS
2	6:25 p.m.
3	PRESIDING MEMBER PERNELL: Good evening,
4	ladies and gentlemen. This is an informational
5	hearing conducted by a Committee of the California
6	Energy Commission on the proposed Ocotillo Energy
7	Project.
8	My name is Robert Pernell, the Presiding
9	Member of this Committee. Commissioner Bill
10	Keese, who's the Chairman of the Commission, and
11	Associate Member of the Committee, cannot join us
12	this evening. Mr. Keese's Advisor, Terry O'Brien,
13	is here at the dais. Terry, will you raise your
14	hand?
15	Also with us on the dais is our Hearing
16	Officer, Ms. Susan Gefter. And she will be
17	conducting the hearing this evening after my brief
18	introductory remarks.
19	InterGen North America filed an
20	application with the Energy Commission to obtain a
21	license for the proposed Ocotillo Energy Project
22	in Palm Springs. InterGen requested an expedited
23	review of the application under the Commission's
24	new four-month review process.
25	The purpose of this hearing is to

1	discuss the Commission's expedited licensing
2	process, and to identify issues of concerns
3	related to the project development.
4	Before we begin, would the parties
5	please introduce your representatives at this
6	time, starting with the applicant.
7	MR. HREN: My name is Bob Hren; I'm the
8	Vice President for Ocotillo Energy and InterGen
9	North America. I'd like to introduce some of the
10	members of our team.
11	To my immediate right is Mike Carroll
12	with the lawfirm that represents us and assists us
13	on the environmental application.
14	To my left is Joan Heredia with the URS
15	Corporation. She and her team assist in the
16	details on the technical environmental assessment
17	and permit application.
18	Behind me is Charlie Worthington with
19	the Engineering and Construction Company Bechtel
20	that has done a lot of the basic design for the
21	power plant facility.
22	And I'm going to let both Mike and Joan
23	introduce some of the members of their team.
24	MR. CARROLL: Good evening. We have two
25	additional attorneys, colleagues of mine, that are

Ţ	nere	irom	Latr	nam a	and	watkins	. 56	eate	ea b	enina	me	ın
2	the	middle	is	Kim	McC	ormick,	who	is	our	endar	ıger	red

- 3 species and biological impact specialist. And
- 4 seated in the front here is Marian Harvey, who is
- 5 a local land use and planning specialist.
- 6 MS. HEREDIA: My name being Joan
- 7 Heredia. I work for URS Corporation. We prepared
- 8 the environmental documents for the project and
- 9 looked at the potential impacts from the proposed
- 10 project.
- 11 Here today we have a few of our task
- 12 leaders. Anne Knowlton, who is our project
- 13 biologist. I have Greg Hamer and Tom Sheahan, who
- 14 are assisting on water issues. And I guess that's
- 15 about it.
- 16 HEARING OFFICER GEFTER: Before we leave
- 17 your group, do you have business cards for your
- staff so that we can pass them over to the court
- reporter so she can have those names?
- MR. CARROLL: I believe that's been
- done.
- 22 HEARING OFFICER GEFTER: Okay, thank
- 23 you. And we would also ask other speakers who
- come forward, if you have a business card to
- 25 please hand it to the court reporter; and if you

1	don't	have	а	business	card,	please	spell	your	name

- 2 for us.
- We'll move on to staff, please.
- 4 MR. PRYOR: Good evening, my name is
- 5 Marc Pryor, Project Manager for the Ocotillo
- 6 Project at the Energy Commission. To my left is
- 7 Mr. Jeffrey Ogata who is the staff counsel on the
- 8 project.
- 9 PRESIDING MEMBER PERNELL: Thank you.
- 10 Any intervenors? Is CURE here? Would you come
- 11 up, please.
- MS. STANFIELD: I'm Sky Stanfield; I'm
- here representing CURE. We don't have any formal
- 14 comment to make, we're just watching and
- observing.
- 16 HEARING OFFICER GEFTER: Thank you.
- 17 PRESIDING MEMBER PERNELL: Okay. Any
- other intervenors? Agencies? I have on my list
- 19 the City of Palm Springs Planning Department. Is
- the Planning Department represented?
- MS. SULLIVAN: Hope Sullivan. We have
- 22 no comments at this time.
- 23 PRESIDING MEMBER PERNELL: Okay.
- 24 Colorado River Regional Water Quality Board.
- 25 MS. CHAVEZ: Leanne Chavez, Regional

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1 Water Board. We don't have any comments for this
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- 2 hearing at this time.
- 3 HEARING OFFICER GEFTER: Please spell
- 4 your last name?
- 5 MS. CHAVEZ: C-h-a-v-e-z.
- 6 PRESIDING MEMBER PERNELL: Desert Water
- 7 Agency. Anyone from the Desert Water Agency?
- 8 Mission Springs Water District. Anyone from
- 9 Mission Springs? South Coast Air Quality
- 10 Management District.
- 11 MS. MUELLER: My name is Pang Mueller,
- spelled P-a-n-g, and last name is M-u-e-l-l-e-r.
- 13 I am the Senior Manager in charge of permitting
- and compliance for power plants and refineries at
- 15 the South Coast AQMD.
- 16 Just a brief comments that I would make
- on this project: The South Coast is in the
- 18 process of completing the preliminary
- 19 determination of compliance for this project. And
- 20 to be able to forward the document to CEC within
- 21 the next few days.
- 22 Preliminary we had found the project to
- 23 have no significant air quality impact in this
- 24 area except for the issue of visibility analysis,
- 25 which will be left up for the U.S. Forest Service

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1 to make that determination.
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- 2 Prior to making the final determination,
  3 though, the South Coast need to resolve the issue
- 4 with regard to emission offsets, as well as the
- 5 visibility analysis. Thank you.
- 6 PRESIDING MEMBER PERNELL: Thank you.
- 7 National Park Service. Rather than do a formal
- 8 presentation, we just need your name for the
- 9 record. And then there will be time after that,
- 10 after the introductions, for you to make your
- 11 formal remarks.
- MR. QUINTANA: Very well, if that's all
- right with the Commission. We do have two other
- individuals who will be making some presentations
- 15 at that --
- 16 PRESIDING MEMBER PERNELL: Okay, would
- 17 you introduce --
- 18 MR. QUINTANA: -- time. But I'll
- introduce them right now. My name is Ernest
- 20 Quintana; I'm the Superintendent of Joshua Tree
- 21 National Park. With me is Mr. John Notar; he's
- 22 with the Air Resources Division, the Denver Office
- of the National Park Service. And Mr. Chris
- 24 Holbeck, who is the Physical Scientist for the
- 25 Joshua Tree National Park. And we will be making

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1 a statement at the appropriate time.
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- 2 PRESIDING MEMBER PERNELL: Thank you.
- 3 MR. QUINTANA: Thank you.
- 4 HEARING OFFICER GEFTER: Sir, could you
- 5 please spell your last name?
- 6 MR. QUINTANA: Yes, I can,
- 7 Q-u-i-n-t-a-n-a.
- 8 HEARING OFFICER GEFTER: Thank you.
- 9 MR. QUINTANA: It's Quintana with the
- 10 English phonetic, or Quintana with the Spanish
- 11 phonetic, either way is appropriate.
- 12 (Laughter.)
- 13 HEARING OFFICER GEFTER: Thank you.
- 14 PRESIDING MEMBER PERNELL: Thank you.
- 15 U.S. Fish and Wildlife. Anyone from U.S. Fish and
- 16 Wildlife? You need to come down and state your
- 17 name for the record, please.
- MR. McDONALD: My name is Matt McDonald
- 19 with Fish and Wildlife Service out of the Carlsbad
- 20 Office.
- 21 PRESIDING MEMBER PERNELL: Thank you.
- Our Public Adviser is Ms. -- she's coming down,
- 23 I'll let her introduce herself. You'll be hearing
- 24 from her later in the hearing.
- 25 MS. MENDONCA: Thank you, Commissioner

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1 Pernell. My name is Roberta Mendonca and I'm the
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- 2 Energy Commission's Public Adviser.
- 3 PRESIDING MEMBER PERNELL: Okay, do we
- 4 have any elected officials in the audience?
- 5 Elected officials.
- 6 MAYOR KLEINDIENST: Good evening, I'm
- 7 Mayor Will Kleindienst, Mayor of the City of Palm
- 8 Springs. And I'll reserve comments when you open
- 9 the hearing, sir.
- 10 PRESIDING MEMBER PERNELL: Thank you.
- 11 And I do appreciate you accommodating us this
- 12 evening in your beautiful facilities.
- MAYOR KLEINDIENST: My home is yours,
- 14 sir.
- 15 PRESIDING MEMBER PERNELL: Don't say
- 16 that too loud.
- 17 (Laughter.)
- MS. PYE: My name is Jan Pye, and I'm on
- 19 the City Council with Desert Hot Springs. P-y-e.
- 20 PRESIDING MEMBER PERNELL: Thank you.
- Okay. Any other elected officials?
- By way of background, the Commission
- 23 accepted the application for the Ocotillo Energy
- 24 Project on June 22, '01. The review process is
- 25 expedited under section 25552 of the Public

1	Resources Code.
2	This is a new law that allows the
3	Commission to accelerate the licensing of simple
4	cycle power plants that can be online by December
5	31st of '02 to meet the state's emergency energy
6	demand.
7	The Ocotillo Project is proposed in two
8	phases. Phase one consists of a 456 megawatt
9	simple cycle facility that can be operated by the
10	summer of '02. Phase two will convert the project
11	to a combined cycle facility within two years.
12	Earlier today we toured the surrounding
13	community and the proposed site, as previously
14	scheduled in the notice of this hearing.

The notice was mailed on July 3, '01, to all parties, adjoining landowners, interested governmental agencies and other individuals. In addition, the notice was published in The Desert Sun on July 27th.

This informational hearing is the first of a series of Commission events that will extend over the next three months. At the end of the review period we will issue a proposed decision containing our recommendations on the project.

25 It is important to emphasize that our

1	proposed decision will be based solely on the
2	evidence contained in the public record.
3	To preserve the integrity of the
4	licensing process, the Commission's regulations
5	expressly prohibit private contact between the
6	parties and the Committee Members. This
7	prohibition against private communication between
8	the parties and the Committee is known as the ex
9	parte rule.
10	This means that all contact between the
11	parties and the Committee regarding a substantive
12	matter must occur in the context of a public
13	discussion, such as today's event; or in the form
14	of a written communication that is provided to all
15	parties.
16	The ex parte rule insures full
17	disclosure of all participants of any information
18	that may be used as a basis for the decision on
19	this project.
20	Additional opportunities for parties and
21	governmental agencies to discuss substantive
22	issues with the public will occur in public
23	workshops to be held by the Commission Staff here
2.4	in Palm Springs.

25

Information regarding other

1	communications between the parties and
2	governmental agencies is contained in written
3	reports or letters that summarize such
4	communications. These reports are distributed to
5	the parties and made available to the public.
6	Information regarding hearing dates and
7	other events in this proceeding will be available
8	on the Commission's website.
9	The application process is a public
10	proceeding in which members of the public are
11	encouraged to actively participate and express
12	their views on matters relevant to the proposed
13	project.
14	The Committee is interested in hearing
15	from the community on any aspect of this project.
16	Members of the public may also intervene in the
17	proceedings. If there are potential intervenors
18	we encourage you to file your petition to
19	intervene soon, to allow for full participation.
20	At this time I would ask the Public
21	Adviser to explain the intervention process, and
22	to provide an update on her contacts with local
23	residents regarding this proceeding.
24	Ms. Mendonca.
25	MS. MENDONCA: Thank you. Commissioner

1	Pernell, Committee and members of the public. The
2	Public Adviser's role is quite unique, and as you
3	see I'm not seated with either the decision maker
4	or the staff doing the analysis, because my job,
5	my role, my commitment is to make sure that you
6	understand the process, and that you have a
7	resource at the Energy Commission that can be
8	available for you to answer process questions.
9	And Commissioner Pernell mentioned
10	intervention. The parties participate in a siting
11	case on an equal footing. The staff is an
12	independent party; the applicant is an independent
13	party; and intervenors become on the same level as
14	the staff and the applicant. They become parties,
15	as well.
16	The benefits of intervention are you sit
17	at the table and you're one of the major
18	participants. It's not a difficult task to
19	intervene. You file a petition and my office can
20	help you with that.
21	You need to be interested in this
22	project and express an interest in the project.
23	But it's not something that you can do without
24	responsibilities.

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Intervenors must also be willing to file

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and serve documents, as well as be willing to ask
 1
 2
         and answer data requests and data responses. When
 3
        we get to our formal phase of decision making,
 4
         when we take formal evidence on the matter,
 5
         intervenors have the opportunity to call their own
        witnesses, present evidence and to cross-examine
 6
 7
        witnesses.
                   Pretty much getting ready for tonight's
9
         meeting I want to inform you about, and I'm sure
10
        many of you have already found, our wonderful
11
         website. And technology is a great thing, and
         it's a great tool. And I have to really confess
12
13
         that I need to have a technologically implanted
        brain chip because I went off and left my
14
        overheads in the computer. Very nicely generated
15
```

16 and very beautiful, but not with me tonight. So some of you may have picked up what 17 are copies of my slide. It gives you the way to 18 find me in Sacramento. I have an 800 number. 19

20

21

22

23

24

25

In addition, the Public Adviser assists in getting a copy of the application, which is before the Energy Commission, in your local library. Here it's located at 300 South Sunrise in Palm Springs. And it's filed and can be found in the reference section. That library is open

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Mondays and Tuesdays from 9:00 to 8:00, and
 1
 2
         Wednesdays and Thursdays from 9:00 to 5:30, Friday
 3
         from 10:00 a.m. to 5:30, and Saturday from 9:00
 4
         a.m. to 5:30.
 5
                   And, again, the Energy Commission's
         website is www.energy.ca.gov/siting cases, with an
 6
 7
         "s" on the end, and go to Ocotillo. And you'll
        have all of the information available on this
9
        project.
10
                   I wanted to speak just a little bit
         about how we did outreach for this project.
11
         found that official mailing lists, which is 1000
12
13
         feet around the plant, and 500 feet on each side
14
        of the lineals. Lineals are the water line, the
15
        roads and the transmission lines. Service gave
16
         official notice to approximately 300 people.
                   So the Public Adviser created a flyer,
17
18
         the one-page flyer which is in the back of the
19
        room, and had 10,000 entered into The Desert
20
        Herald, which is your local newspaper. And those
21
        were distributed, telling people about the project
         and about tonight's meeting. So 10,000 additional
22
23
         flyers went out.
24
                   In addition, we found a local post
```

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25

office which delivers mail in that area. We put

```
1     up a flyer and the Postmaster distributed those
2     for us much in the way the IRS forms go out.
3          So that's what we've done so far.
```

- 4 You're welcome to call my office. We are of service to you. And thank you very much.
- 6 PRESIDING MEMBER PERNELL: Thank you.
- 7 At this time I'd like to turn the hearing over to
- 8 Ms. Gefter, who will be conducting the hearing
- 9 this evening.
- Just one final note, and that is there's some cards in the back. If you want to address the Committee, you can fill out one of those cards and we will certainly accommodate those of you who want to speak to the Commission.
- MS. MENDONCA: One question I forgot to
  address, which was why fill out an orange card,
  and why fill out a white comment card. The white
  comment cards will be collected and you will get
  that written comment addressed in writing from the
  staff when they do their staff analysis.
- 21 The oral comments tonight become a part 22 of our record, but there is a slight difference. 23 If you want an answer to your question you might
- 24 be able to ask a good question tonight, but not
- get an answer. If you want to see your question

answered, put it in writing. We'll make sure that

- 2 the staff gets it, and those written comments are
- 3 addressed in the staff's assessment.
- 4 Thank you.
- 5 PRESIDING MEMBER PERNELL: Thank you.
- 6 Ms. Gefter.
- 7 HEARING OFFICER GEFTER: Thank you. The
- 8 process for tonight's hearing, we'll ask the
- 9 applicant to make a presentation describing the
- 10 project. And then we'll ask staff to describe the
- 11 expedited process.
- 12 At that point we will entertain
- 13 questions. And then I will ask Mayor Kleindienst
- 14 to come forward and make comment if you can wait
- 15 that long. Because this way we can set the
- 16 context for the project.
- 17 After the Mayor speaks and we hear
- 18 questions from the local community, we're going to
- ask the agencies to make their comments and
- indicate their concerns, as well.
- 21 Then we will go on to the staff's issue
- identification report, which I don't know, do we
- have copies in the back for the members of the
- 24 public? Right. And copies are in the back for
- you to look at. And we'll ask staff to describe

- 1 and explain their issues.
- 2 And included in that issue
- 3 identification report is a proposed schedule for
- 4 the expedited process. And we'll discuss the
- schedule with the applicant, with the staff, with
- 6 the agencies involved in doing the analyses.
- 7 And then, subsequently after today's
- 8 hearing, in the next several days, the Committee
- 9 will issue an official schedule that will be
- served and mailed on everybody, the parties and
- also the public. We'll use the mailing list that
- was originally used to send out the notice of this
- 13 hearing. If you do want copies of the schedule,
- 14 please sign the list that the Public Adviser is
- distributing so we can have your name and address.
- 16 At this point we'd like to ask the
- 17 applicant to begin your presentation.
- 18 MR. HREN: Thank you very much. I
- 19 thought I would have a mobile mike and go to the
- 20 board and be able to point to some visual
- 21 graphics, but I'm told that I have to, you know,
- 22 stick with the microphone that's right here. So
- I'm going to do my best to indicate what I'm
- 24 talking about in reference to the graphics that
- are up in front of you.

1	The Ocotillo Power Project was initially
2	conceived as a combined cycle power facility.
3	That's the full size phase two as we call it now,
4	900 megawatt combined cycle power facility.
5	We will be using the latest
6	PRESIDING MEMBER PERNELL: Excuse me, do
7	you want us to move? Someone's going to point to
8	this, or
9	MR. HREN: When I get there I've got a
10	laser pointer.
11	PRESIDING MEMBER PERNELL: Okay.
12	MR. HREN: So, you know, you might want
13	to duck
14	(Laughter.)
15	MR. HREN: if I get close to you.
16	PRESIDING MEMBER PERNELL: I just want
17	to make sure everyone in the audience can see. We
18	don't mind moving if you
19	MR. HREN: I think at that time you'll
20	know, and then you can move aside. I think that
21	will be fine.
22	I was going to say that we're using the
23	latest GE combustion turbine technology. But most

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of my comments at this stage are going to be

confined to what we call phase one, which is the

24

1 simple cycle facility.
--------------------------

2	When California began to experience the
3	energy crisis one of the first things the Governor
4	did was he issued some executive orders that
5	shortened the permitting from 12 months normally
6	to the possibility of four-month permitting for
7	those power plants that can be up and in operation
8	in simple cycle by the summer of '02.
9	We looked around within our company. We
10	develop power projects around the world. And one
11	of the key ingredients is to have the equipment
12	available, right time scheduled for that early
13	summer '02.
14	We located equipment that was designated
15	for another power project in another state, and we

We located equipment that was designated for another power project in another state, and we swapped what was originally the Ocotillo equipment for that equipment. And that allows us to, you know, meet the summer '02 critical time period for power.

So we modified our project, advanced the delivery schedule for the equipment, and worked with the CEC Staff on how best to submit the permit applications.

We were advised to first submit what's called now phase one, which is the simple cycle

```
facility. And follow that up with an amendment
for the phase two facility.
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- So, what you see described in the two
  four-inch binders that contain all of the detailed
  description and evaluation of the facility are
  focused almost entirely on the phase one project.
- 7 So most of my comments will be on the phase one.
- I want to talk about the physical

  location. Those of you who took the bus tour saw

  the site. I'm going to point to the aerial

  photograph on the left in front of you, and kind

  of trace the route we took and indicate where the

  power plant is.
- Okay, this is I-10, Highway 62. Here's
  Indian Avenue. We drove up Indian Avenue, crossed
  over I-10, and turned left on Dillon Road, which
  is along here. This is the north Palm Springs
  community located in the County.
- The 160-acre site is approximately like
  this. This is the Devers substation. The
  physical location of the power is, as I've said,
  in the southeast quadrant of the 160-acre site
  approximately here.
- We then, in the bus tour, drove up on Diablo, turned around at the substation, drove

```
back down Diablo, down Dillon to the street that I
```

- forgot its name, Woolsley or something, --
- Wordsley, crossed over the highway and came back
- 4 along I-10 back to Indian. So that was our route
- 5 on that aerial photograph.
- I indicated -- we're physically here.
- 7 We're obviously there because of this, which is
- 8 the substation. It's a very strong location to
- 9 inject power into the system.
- 10 Right now the Coachella Valley is a net
- 11 importer of electricity in spite of all the wind
- 12 turbines here. This location has the capability
- 13 to both import and export power. And the
- 14 proximity to that substation to minimize the
- 15 extent of transmission lines was one of the major
- 16 criteria for selecting this location.
- I want to draw your attention to the
- 18 center drawing. This is the 160-acre site, this
- 19 being Dillon Road. We entered the bus tour
- 20 approximately here. This is the diagonal 115 kV
- 21 line.
- I mentioned then and you can see on this
- drawing that the entire power plant facility will
- 24 be located to the east of that transmission line.
- 25 A couple of construction access roadways will be

```
1 built to bring in heavy trucks and equipment to
```

- 2 the site.
- 3 The brown area is what's called the
- 4 total disturbed area for the power plant.
- 5 There'll be a cut up here and a fill down here to
- 6 make this area flat and relatively level for the
- 7 power plant site.
- 8 What's located in grey will be roadways
- 9 on the site. The brown area will remain, you
- 10 know, undeveloped. And just what's tan, has a tan
- 11 color, will be the actual equipment on the site,
- 12 relatively small in total surface area.
- The area up here colored blue is an
- evaporation pond. And I'll talk about that in a
- 15 minute. That has berms, earthen berms around it
- and within it to separate it into cells.
- 17 Again, this is the 160 acres total. The
- total area of the pond and the power plant site
- 19 that will be disturbed is 56 acres. And let me --
- on to the right-hand side, let me show you -- many
- of you have seen this map. It's kind of the
- 22 official site location map. That is the 160 acres
- 23 again. And this is the 115 kV line, just for
- 24 reference.
- 25 The location of the natural gas

1	pipeline, one of the second ingredients for a
2	power plant like this, currently there are two 30-
3	inch natural gaslines owned by SoCalGas located
4	south of I-10 here. A boring under the freeway
5	was built for the Wildflower Indigo Power Plant
6	that's physically here. So we will be simply T-
7	ing off that location, and bringing the new
8	gasline to the site by one of a couple of
9	different routes.
10	You can sit down now; you don't have to
11	worry about I'm done talking about the physical
12	location.
13	The entire site has been evaluated for,
14	you know, endangered species, biological
15	resources. We have some of the best consultants
16	in the country that have looked at every aspect of
17	this power plant. All of the implications of its
18	construction and operation.
19	We believe that there are no significant
20	impacts after we mitigate for those initial
21	effects of the power plant facility. We were
22	sensitive to nearby residents by I'm going to
23	point again. We kept the power plant in a
24	southeast corner of this facility so that the
25	nearest residents, which are along Diablo Road

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here are approximately a little less than a half a
mile distant from the facility.
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- I'm going to mention what the

  evaporation pond contains. There's been some

  confusion about that. It's not a waste pond, it's

  not a waste treatment pond. It is simply, we are

  not allowed to discharge the water that we use for

  cooling. For this simple cycle facility we use a

  very small amount of water, approximately 80
- gallons per minute. And part of that is
  evaporated to cool the air to the combustion
  turbines to make it more efficient.
- That water that remains we pump it to
  the ponds, and it's simply groundwater that is
  allowed to evaporate. And after a period of time,
  for example, if you take water out of your tap and
  boil it off, you'll see a small film on the inside
  of the pan. And that's what's in that pond when
  it eventually the water is evaporated.
- I think that really summarizes the

  physical facility. And I think I'll turn it over

  to the next step in the agenda.
- 23 HEARING OFFICER GEFTER: Commissioner
  24 Pernell has some questions for you, Mr. Hren.
- 25 PRESIDING MEMBER PERNELL: Yeah, I have

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just a couple questions. Actually you've answered
a number of questions I had.
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- You mentioned on your gasline that you

  pointed to any number of different routes you can

  take. Is there a specific route that you're going

  to take for your gasline? Or is that still under

  consideration?
- 8 MR. HREN: Yeah, the gasline will not be
  9 owned by Ocotillo Energy; it will be an extension
  10 of the SoCalGas pipeline system. They will make
  11 the right-of-way determination, the final right12 of-way determination.
- 13 We have thus evaluated several routes
  14 that they would typically take. And we will leave
  15 it up to the Gas Company to select the final route
  16 based on, you know, their construction and
  17 economics.
- 18 What the map indicates are several

  19 routes that we surveyed that we have now rejected
  20 now that we have -- now that the 24-inch gasline
  21 has already crossed under I-10 for the Indigo
  22 Power Plant. And, Commissioner Pernell, I'm going
  23 to ask you to move so I don't hit you in the eye.
- 24 This is the terminus of the 24-inch line 25 that already crosses under I-10. So we will, from

1 that location, take one of these two routes to the

- 2 site.
- 3 These routes have been surveyed but we
- 4 do not plan to use them.
- 5 HEARING OFFICER GEFTER: Mr. Hren,
- 6 earlier you mentioned it was a 30-inch gas
- 7 pipeline; and then you said it's 24 inch. Which
- 8 is it?
- 9 MR. HREN: I'm sorry, there are two 30-
- inch gaslines existing south of I-10, and the
- 11 extension under I-10 is 24 inch.
- 12 HEARING OFFICER GEFTER: Okay.
- 13 PRESIDING MEMBER PERNELL: The reason I
- 14 asked the question is at some point we're going to
- need the route for the analysis, so that staff can
- do the analysis.
- 17 And you're saying you're not the
- decision maker on that. If someone is here from
- 19 whomever is going to make that decision, we need
- to know that as soon as possible.
- 21 The other question I have, and you
- 22 mentioned this, is the evaporation pond, in that
- 23 it doesn't -- because it's cooling water I would
- assume there's no contaminants in it, so you don't
- 25 need a liner or anything in the pond?

1	MR. HREN: We do not put contamination,
2	any added materials other than whatever is needed
3	to keep from forming algae in the system. But it
4	will be a double-lined evaporation pond because
5	the soil is so porous that any water you would put
6	into a pond would simply percolate straight down.
7	The water contains dissolved salts that
8	are naturally occurring in the groundwater in this
9	location. And after we have utilized the water
10	for cooling, the concentration of salts is higher,
11	and at that point we do not want to discharge that
12	salty water to the environment.
13	So it's contained in a double-lined
14	evaporation pond.
15	PRESIDING MEMBER PERNELL: All right,
16	thank you. My final question is on the tour you
17	were mentioning that it's a in the whole area
18	is more or less an energy site for renewables. Is
19	it zoned for a natural gas facility?
20	MR. HREN: The current zoning is energy/
21	industrial.
22	PRESIDING MEMBER PERNELL: Energy/
23	industrial, right.
24	MR. HREN: And within that zoning, very
25	clearly wind turbines are allowed, alternative

1	energy and cogeneration facilities. The City is
2	in the process of clarifying the zoning just so
3	that there's no doubt that electric generation
4	using natural gas is a permitted use within that
5	zoning.
6	As I say, that process is in the works
7	today.
8	PRESIDING MEMBER PERNELL: Okay, thank
9	you very much.
10	HEARING OFFICER GEFTER: Mr. Hren, you
11	also mentioned during the tour that some of the
12	wind turbines would be removed in order to
13	accommodate the footprint for the power plant.
14	Could you describe that to the people who were not
15	on the tour?
16	MR. HREN: Yes. After the hearing
17	you'll be free to go up and take a closer look at
18	the aerial photograph, and you can see all the
19	wind turbines, if you get up close. It's a pretty
20	detailed photograph.

21 From your position you cannot see them.

22 But on this map there's a line of 13 wind turbines

that starts about here, and runs down here, 13 23

24 turbines.

20

25 Four will remain located here. And a

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1 few at the top and a few at the bottom will be
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- 2 removed for the power plant facility.
- 3 PRESIDING MEMBER PERNELL: And when you
- say a few, that's possibly five at the bottom and
- 5 four at the top?
- 6 MR. HREN: My engineer who designed the
- 7 facility is able to give the precise answer. I
- 8 said five at the bottom, four at the top. But I
- 9 was wrong. It's six at the south end, and three
- 10 at the north end.
- 11 PRESIDING MEMBER PERNELL: Okay.
- 12 HEARING OFFICER GEFTER: And then
- several small turbines will also be removed?
- MR. HREN: That's correct.
- 15 HEARING OFFICER GEFTER: How many do you
- 16 think that --
- MR. HREN: Well, I've been told, I
- haven't done the count, but I was told that
- 19 approximately 90 smaller wind turbines will be
- 20 removed.
- 21 HEARING OFFICER GEFTER: Did the
- 22 applicant, in preparing the AFC, look at
- 23 alternative sites?
- MR. HREN: Yes, we did. And we looked
- 25 at the initial criterion that Devers substation

1 was where we wanted to interconnect this p	ower
--	------

- 2 plant facility. Because to the east the
- 3 transmission lines are loaded from the east to
- 4 this substation. So we wanted to locate the
- 5 power, bring it into the substation.
- 6 We looked at sites to the north, to the
- 7 northwest, to the northeast, and to the south, as
- 8 well. None of these sites have the same
- 9 advantages of this site of being close to the
- 10 substation.
- To the northeast all of that land or a
- 12 majority of that land is owned by Edison. And
- they actually have a prohibition of disposing of
- 14 any of their properties at this time, given the
- 15 situation they're in.
- 16 And we also looked at a location on the
- 17 transmission line, the 500 kV transmission line to
- 18 the east. That would have been near the Pass, and
- 19 we rejected that because it did not have good
- 20 access to water at that location.
- 21 HEARING OFFICER GEFTER: Do you want to
- 22 continue with your presentation?
- MR. HREN: Actually I've completed the
- 24 brief discussion and description of the facility.
- 25 My intention was not to go into a lot of detail

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1 and talk about systems and so forth.
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- So, I think at this point we're, you
- 3 know, waiting for questions and presentations by
- 4 others.
- 5 PRESIDING MEMBER PERNELL: Thank you.
- 6 MR. HREN: Thank you.
- 7 HEARING OFFICER GEFTER: All right. At
- 8 this point, then, the public, having heard the
- 9 applicant's presentation, we're going to go on and
- ask staff to describe the process by which they
- 11 will review the application. And then we'll go on
- 12 and hear from the agencies and what their concerns
- may be. And then we'll ask Mayor Kleindienst to
- 14 speak. And then the public will have an
- opportunity to ask questions after that.
- 16 Staff.
- 17 MR. PRYOR: Thank you, Ms. Gefter. You
- should have a handout looks like this. It's made
- from slides. We don't have an overhead tonight.
- 20 If you'll follow along with me.
- 21 Slide one, my name is Marc Pryor. As I
- 22 said earlier, I'm the project manager for the
- 23 Energy Commission on this project. My primary
- 24 role, as I see it, is to get the information
- 25 regarding the project to the 50-plus staff people

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we have working on this, and to edit the staff
assessment, to support my staff counsel when we
get into the hearings.
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You've heard a lot about the project
already, so I'll just go through it fairly
quickly.

The application was filed under new law
intended to help short-term peak power needs in
California starting next summer. Plants certified
under the four-month process must either be
replaced with a combined cycle power plant, or be
replaced. They have to -- the simple cycle has to
go offline by January 1, 2004.

And the replacement plant, the phase two
combined cycle will need approval by the Energy
Commission.

Slide three is the cast of characters, if you will, at the Energy Commission. The Committee, Ms. Gefter's the Hearing Officer; and then the line of the applicant; the agencies; staff, myself as the project manager; intervenors, so far I understand the California Unions for Reliable Energy is the only intervenor at this time; and then the public and any interested parties.

1	Now, the parties do not include the
2	general public. It's the intervenors, the
3	applicant, staff. So I think Ms. Nendonca made
4	that clear, but I've said it again.
5	The ultimate decision makers are the
6	five Commissioners appointed by the Governor.
7	They have delegated the hearing of this case to
8	the Committee. Ms. Gefter runs the process on the
9	behalf of the Committee. The parties are equal
10	players in the process, providing evidence,
11	analysis and testimony about the project.
12	And the Public Adviser's office is a
13	real asset to the entire process. She has a great
14	office and a great set of people that help answer
15	questions, and help people become involved in the
16	case.
17	Go to the purpose of the siting process.
18	Two parts. One, it insures reliable supply and,
19	two, protects the public health and safety and the
20	environment.
21	This project is under special expedited
22	permit, as you know, a process where projects can
23	be online by next summer. It will help meet the
24	peak demand in the summer through 2003.
25	The second part, protecting people and

1	the environment, still applies. And staff is
2	assessing this proposed project very carefully.
3	Slide five, the Energy Commission siting
4	process. The Energy Commission permitting
5	authority is thermal power plants 50 megawatts or
6	larger. So, there may be some power plants that
7	exist in the area of the Coachella Valley or
8	beyond that are below 50 megawatts, and we
9	probably did not have a role in the licensing of
10	those projects.
11	Part of the case is the related
12	facilities, transmission lines, water supply
13	lines, natural gas pipelines, waste disposal
14	facilities and access roads as they apply to any
15	project.
16	We coordinate with federal, state and
17	local agencies. And we're the lead state agency
18	for CEQA.
19	The siting process is a full review of
20	environmental effects, public health and safety
21	effects. And the Energy Commission analysis is
22	subject to CEQA guidelines.

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25

We have an open public process,

workshops and hearings, notices of seven to ten

days in advance, and we have mailing lists, email

- 1 server.
- 2 Local, state and federal coordination.
- 3 Staff works closely with the local state and
- federal agencies. In this case, for instance, we
- 5 have contacted and are in contact with the City of
- 6 Palm Springs, County of Riverside, local water
- 7 agencies, Mission Springs and Desert Water Agency,
- 8 Regional Water Quality Control Board, California
- 9 Air Resources Board, U.S. Environmental Protection
- 10 Agency, and the National Park Service.
- 11 Expediting permitting process is the
- 12 Energy Commission's reviewing the proposal under
- 13 the expedited process established by the
- Governor's executive orders D-26-01 and 28-01,
- 15 Public Resources Code section 25552, as amended by
- 16 Senate Bill 28. It's fairly recent, SB-28 was
- 17 signed in late May.
- The four-month permitting process, I
- 19 have a proposed schedule. As you see, the time so
- 20 far, to the 30th, the Energy Commission determined
- 21 data adequacy on the application, itself. There's
- 22 a certain threshold that the applicant has to
- 23 provide in its application just to be let in the
- 24 door. That's when the four-month clock starts
- 25 ticking.

1	We filed data requests on the 29th of
2	June, and our issue identification report came out
3	the 26th of July. This past Friday we received
4	the applicant's data responses to our data
5	requests. And we are still looking forward to
6	seeing the preliminary determination of compliance
7	from the Air District.
8	Today we just had the site visit, and
9	we're in the informational hearing. We expect to
10	issue the staff assessment on August 21st. And
11	hopefully we will see a final determination of
12	compliance from the District soon after 30 days
13	after the preliminary determination of compliance
14	comes out.
15	Anticipate having a public workshop on
16	the staff assessment hopefully here in Palm
17	Springs. Under the circumstances of this quick
18	turnaround, it's hard to find a place to meet.
19	But we hope to have it on the 21st, and it will be
20	open to the public and be noticed at least ten
21	days prior to the workshop.
22	And in that workshop we will be
23	presenting what we did in the assessment. Any
24	holes we may see in the assessment still. And
25	taking public input, including, as tonight, these

1	aommont	forma
_	comment	LOLIIIS.

2	Because we don't anticipate having to
3	file an addendum or a supplement to the staff
4	assessment, this is up to the Committee. They
5	will issue a schedule and an order. But this is
6	our anticipation.
7	And I would anticipate the hearings, run
8	by Ms. Gefter and heard by the Committee,
9	somewhere in mid September. The Committee would
10	issue their Presiding Member's Proposed Decision
11	after the hearings; my guess is September 28th.
12	And that would go out for comment.
13	A hearing on the PMPD would be October
14	9th, or a conference, perhaps.
15	And if everything stays on the four-

And if everything stays on the fourmonth schedule, I would expect the Energy

Commission to make the final determination whether to license this project or not on October 17th.

Slide 11 has contacts, myself, Ms.

Gefter, Public Adviser, and then the name of the

Gefter, Public Adviser, and then the name of the Ocotillo's project manager, the vice president actually for the project, Mr. Hren.

That concludes this portion of my presentation. Later I'll address the issue identification report.

1	HEARING OFFICER GEFTER: Thank you. At
2	this point I think that what we would do is ask
3	the Mayor to come forward if you are ready at this
4	time.
5	And then we'll ask for staff to talk
6	about the issue identification report, and we'll
7	ask the agencies to comment.
8	Mayor Kleindienst, please.
9	MAYOR KLEINDIENST: Thank you.
10	Commissioner Pernell, Members of the Staff, to our
11	Applicant, to all of the public who are here
12	tonight, thank you for the opportunity to speak,
13	and welcome, on behalf of the City of Palm
14	Springs.
15	I'm in a bit of an awkward position.
16	I'd like the record to show that although you are
17	seeking public comments, and of course the
18	comments of the City of Palm Springs, that I am
19	currently not empowered to give you any comments
20	from the City of Palm Springs.
21	Because this is on a fast track, and I
22	appreciate the Governor's effort to do such things
23	for the State of California, you are ahead of our
24	curve. That we are scheduled on Wednesday night
25	to have a public hearing of our own on this very

Τ	issue.
2	That we will be taking into account a
3	number of concerns and issues dealing with a
4	project of this magnitude, but because I have not
5	been empowered with direction from the Council, I
6	will again emphasize, we have not seen this
7	project at the City Council level in an official
8	capacity at this time.
9	So our first and only review of this
10	project will occur on Wednesday. And it will be
11	at that time that we'll take determination.
12	I would like to emphasize, though, that
13	our staff is here in the capable hands of Hope
14	Sullivan, who was introduced earlier, and Hope
15	will make clarifications on some of the
16	applicant's comments, as to the nature of the zone
17	and the zone text amendments that are required to
18	allow this use to be permitted in the current

But, again, I ask that perhaps we can
reserve an opportunity for our comments to be
placed in your record after we take official
action on Wednesday night. Unfortunately, I have
no direction to give you, and I think our input
would be indeed important to your process and

location as submitted.

1	review.
2	HEARING OFFICER GEFTER: Yes. We are
3	looking forward to comments from the City. And if
4	those could be sent to us in writing
5	MAYOR KLEINDIENST: Yes.
6	HEARING OFFICER GEFTER: we would
7	certainly take them into the record and staff will
8	then and we'll ask the applicant, as well, to
9	respond in an expedited manner to the comments
10	provided by the City.
11	MAYOR KLEINDIENST: Very good, thank
12	you.
13	HEARING OFFICER GEFTER: Thank you.
14	MAYOR KLEINDIENST: I must tell you it's
15	very frustrating for a man in my position to stand
16	before you and say nothing.
17	(Laughter.)
18	MAYOR KLEINDIENST: Thank you and good
19	night.
20	PRESIDING MEMBER PERNELL: Mr. Mayor,
21	let me just say on behalf of the California Energy
22	Commission and my colleagues we certainly
23	appreciate your hospitality, and we will

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24

25

definitely allow you the opportunity, you and your

Council, to enter things into the record, given

1	the	fact	that	this	is	in	Palm	Springs.
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- 2 So we do appreciate that. And there
- 3 will be other opportunities, because this is not
- 4 the last meeting that we're going to have down
- 5 here. And I say that because I want to be back in
- 6 these chambers.
- 7 (Laughter.)
- 8 MAYOR KLEINDIENST: On behalf of the
- 9 entire City Council, our Staff and the citizens of
- 10 Palm Springs, thank you for that opportunity, Mr.
- 11 Commissioner. Good night.
- 12 PRESIDING MEMBER PERNELL: Thank you.
- 13 HEARING OFFICER GEFTER: Thank you.
- 14 All right, I think before we take comment from the
- 15 agencies, and I do want to assure you that I have
- several cards from the public. And I also know
- 17 that members of the community would like to speak
- 18 to us and ask questions, and we certainly will
- 19 reserve time for that.
- 20 But before we get there let's ask the
- 21 staff to describe the issues that they have
- 22 identified in the issue identification report, and
- 23 that way again we can set the context for your
- questions. Mr. Pryor.
- 25 MR. PRYOR: Thank you very much. On to

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slide 11 -- or 12. I'm at that point in my age
 1
 2
        where, you know, things just don't work anymore.
 3
                   The purpose of the issue identification
 4
         report is to inform participants of potential
 5
         issues as an early focus and recommendation of
         qualification for four-month process.
 6
 7
                   The criteria is impacts that may be
        difficult to mitigate, noncompliance problem, that
 8
9
        would be with LORS, laws, ordinances, regulations
10
        or standards of local agencies, for instance.
11
        Potentially contentious items and potential
         schedule delays.
12
13
                   Slide 13, potential issues. At the time
14
         that we put together the issues report we had
15
         identified three large issues: Air quality,
16
        biological resources and water resources.
                   Under air quality. A major stationary
17
         source determination which will have to be made by
18
19
         the Committee by the end of the case.
                   Best available control technology, the
20
21
         applicant is proposing to use the BACT for NOx,
         oxides of nitrogen 9 ppm. And I believe the
22
23
        District's current is 5. But they believe they
24
        have a way to accommodate the 9.
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And emissions offsets/credits. We have

1	to defer to the Air District on what their
2	decision on the BACT are and the offsets, the
3	credits.
4	Biological resources. An issue has been
5	brought up by the National Park Service, The
6	Joshua Tree, regarding the desert tortoise
7	habitat.
8	And water resources. There's a policy
9	7558 which is a fairly old policy in the state
10	that boils down to we would still like to see the
11	applicant address potential to use recycled water.
12	They are going to they are planning to use
13	groundwater for power plant cooling.
14	We did receive the data responses on
15	Friday, so that may be a dated issue.
16	Oh, I'm sorry, I missed under air
17	quality, cumulative impacts. What would you do
18	without a lawyer on the your left side?
19	(Laughter.)
20	MR. PRYOR: Current public comments. We
21	have received some written comments by email.

Most of this came via the Public Adviser's office

23 to me, and I have docketed them. I have sent them

to staff to be considered.

25 As of the time I issued this, proximity

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1 to existing residences, primarily on the west
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- 2 side. Expedited review. This is a four-month
- 3 process, this is a fast process. Our normal
- 4 process is 12 months.
- Natural gas supply pipeline, proximity
- to the residences, again, if I recall correctly.
- 7 Hydrogen storage. Hydrogen will be used to cool
- 8 the combustion turbine generators, if I'm correct,
- 9 and there will be some storage on site.
- 10 Proximity to an existing earthquake
- 11 fault. The evaporation pond being in a major
- 12 drainage corridor. And air quality impacts in the
- 13 Coachella Valley.
- So that's a snapshot of what we've seen
- 15 so far.
- 16 The Commission or the Committee had to
- 17 make a recommendation at the 25-day period after
- data adequacy on June 22nd whether the project
- 19 would stay in the four-month process. Staff
- originally made a recommendation that based upon
- 21 assurances by the District primarily, that we
- 22 recommended -- changed our recommendation to that
- 23 it stay in the four-month process. And the
- 24 Committee recently issued their ruling that it
- 25 will.

1	In closing, staff proposes to provide
2	periodic status reports to the Committee on the
3	progress of the phase one application project
4	addressing any issues that may arise during the
5	course of the Energy Commission Staff's review
6	process.
7	And again, final staff assessment August
8	21st, and have a workshop hopefully on August 29th
9	here in Palm Springs.
10	Slide 17 is our initializations and
11	acronyms for your benefit. Thank you very much.
12	HEARING OFFICER GEFTER: Thank you, Mr.
13	Pryor. I just wanted to note for those of you who
14	didn't get copies of the staff's issue
15	identification report, you can view it on our
16	website. And that website address appears in Mr.
17	Pryor's presentation, both at page 7 and slide
18	7, slide 11. So if you go onto the website you
19	can find the issue identification report.
20	Or if you don't have access to the web
21	Ms. Mendonca can mail you a copy if you give her
22	your address.
23	I have one more question that I wanted
24	to ask the applicant before we go on to the
25	agencies. The question is with respect to removal

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1
        of the turbines again.
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2
                   We'd like to know whether this is
 3
         considered part of the project for the CEQA
 4
        review, and whether you're going to provide us
 5
         information on the removal of the turbines into
 6
         the record.
 7
                  MR. HREN: The removal of the turbines
 8
         is not part of the application; and the movement
9
        of those turbines can be done by the landlord of
10
         the property as a separate matter.
                  HEARING OFFICER GEFTER: The other
11
         question is with respect to the alternatives
12
13
        analysis that you referred to earlier, you
14
        mentioned you'd looked at a site to the east near
         the Pass. And that is contained in the
15
16
         application, right?
                   MR. HREN: Yes, it is.
                  HEARING OFFICER GEFTER: And what was
```

17

18

19 the reason for rejecting that site?

MR. HREN: That location, as I recall, 20

21 of course we write up the reasons in the

application, and if I can recall it did not have 22

23 access to water for the cooling at that location.

24 It also was going to be a very visible location

25 from I-10. It would have been basically a gateway

1	to	the	Coachella	Valley,	and	there	would	have	been

- 2 a power plant there, very visible from I-10.
- 3 HEARING OFFICER GEFTER: Had you looked
- 4 at a site which is east of the small turbines?
- 5 MR. HREN: No, we did not. We looked at
- a site northeast of the small turbines, but not to
- 7 the east.
- 8 HEARING OFFICER GEFTER: Does that area
- 9 that's still within the 160 acres to the east of
- 10 the small turbines?
- 11 MR. HREN: No. We looked within the 160
- 12 acres, but beyond 160 that property was not
- 13 available. That owner did not want to consider
- selling the property or leasing the property.
- 15 HEARING OFFICER GEFTER: All right,
- thank you.
- 17 At this point we'd like to invite the
- 18 agencies that are present today to come forward
- and make your presentations.
- 20 And we understand that the National Park
- 21 Service has a number of concerns, and we'd like to
- invite you to come forward at this time.
- MR. QUINTANA: Thank you very much. I
- 24 will have Mr. Holbeck and Mr. Notar come back.
- 25 What I'd like to do is thank the Commission for

1	this	opportunity	to	present	in	person	our
2	conce	erns.					

What I will do is just a brief overview
and then turn it over to my colleagues who will
speak to -- Chris will speak to the issues
pertinent to Joshua Tree National Park; and Mr.
Notar will speak to the issues pertaining to the
specifics of air quality and the concerns we have
with the documentation and the final reports.

As you know Joshua Tree National Park is a neighbor to the Coachella Valley and as indicated in your documents, within approximately seven miles from the project site. Joshua Tree National Park is a class one area under the Clean Air Act. And we have concerns, concerns that exist now about the air quality in the park and within the region.

We feel that issues pertaining to air quality need to be addressed perhaps probably before we start considering additional sources being introduced into the area.

We understand that there's a need for
generating power. The recent crisis that we're in
has proven that to us. The National Park Service
also likes to have the lights come on and the

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1 coolers come on when you flip the switch.
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- But we also want to make sure that by

  dealing with one crisis that another one isn't

  generated or exacerbated, I guess you might say,

  and that pertains to the impacts to the air

  quality and the biological resources.
- We're here today to ask the decision

  makers to consider our concerns, and after hearing

  what we have to say, we respectfully ask that a

  full evaluation be made of this project against

  the standards provided for in the Public Resources

  Code for an expedited decision.
- The recent change of opinion by this

  Commission, first ruling that the project does not

  qualify for the expedited process, and then

  reversing its decision obviously speaks to the

  matter that this project is an odd fit.
- So we ask that you carefully consider or reconsider your decision after all the information is provided to you. We do have concerns about the best available technology that's being proposed, and the emissions that have been indicated that will come out from a plant. We believe that the technology exists to reduce those emission levels.

And we would ask that those be required.

1	We also have the concerns about the
2	cumulative impacts. This is one of many projects,
3	some that are already on line and some that are
4	being proposed to be considered.
5	From what I understand there's one that
6	this Commission perhaps is not even aware about
7	because it is located on the Indian Reservation
8	land, on the Torres-Martinez Indian Reservation
9	land, just a short distance from here. And that
10	also will be a natural gas fired power generating
11	station.
12	So we have a number of concerns. And
13	what I'd like to do at this point is bring Mr.
14	Chris Holbeck, who's the physical scientist in the
15	Park, and he can speak to some of the issues we
16	have in the Park.
17	PRESIDING MEMBER PERNELL: I have one
18	question for you just for clarification.
19	MR. QUINTANA: Yes.
20	PRESIDING MEMBER PERNELL: Or my own
21	education. A class one area, does that speak to
22	air quality?
23	MR. QUINTANA: Yes, sir, it does, under
24	the Clean Air Act requirement, that we maintain I
25	quess pristine is one of the words that's used,

1	but	it'	s	difficult	to	attain	those	levels.
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- 2 But we have a responsibility on the
- 3 Clean Air Act to do everything in our power to
- 4 address impacts from polluting sources which are
- 5 either inside or outside of the Park.
- 6 PRESIDING MEMBER PERNELL: Thank you.
- 7 MR. QUINTANA: You're welcome, sir.
- 8 HEARING OFFICER GEFTER: Before you
- 9 leave I wanted to ask you about the new gas fired
- 10 power plant proposed on the Torres-Martinez Indian
- 11 Reservation. Do you know how large that is and
- 12 where it's located?
- MR. QUINTANA: It is located on the
- 14 Reservation. I believe it would be on the western
- 15 end of the Salton Sea. It is within the Coachella
- 16 Valley. The size of the power plant I'm not
- 17 exactly sure, but I think it's equal to if not
- greater than the one being proposed here and phase
- 19 two.
- 20 SPEAKER: I have an article that
- 21 describes it you want to --
- 22 HEARING OFFICER GEFTER: When you have
- an opportunity to address us you can bring that to
- 24 us.
- Okay, thank you very much.

ou.
2

- 2 HEARING OFFICER GEFTER: Okay, Mr.
- 3 Holbeck.
- 4 MR. HOLBECK: Thanks, Ernie. Thank you
- 5 for the opportunity to comment. The Clean Air Act
- 6 states as a national policy that protects the
- 7 class one areas. And the class one areas are
- 8 distinguished from class two areas by they are
- 9 federally designated wilderness areas which
- 10 predate 1976.
- 11 Joshua Tree National Park is one of
- 12 those class one areas. And we are in
- 13 nonattainment of the national ambient air quality
- standards.
- 15 And --
- 16 PRESIDING MEMBER PERNELL: The entire
- 17 Park is a class one area?
- MR. HOLBECK: Yes, sir. We are the most
- 19 heavily polluted National Park Service unit in the
- 20 country. There's 390 units, and we are the most
- 21 polluted one.
- 22 It is unhealthful to breathe the air in
- our Park seven months out of the year. The Clean
- 24 Air Act says that a permitting agency should be
- 25 attempting to improve air quality in a class one

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area nonattainment and should make every effort
1
2
       not to further degrade a class one area in
3
       nonattainment.
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4 The expedited process has somewhat limited our ability to make substantive comment on 5 this application. We're 30 days into notice, and 6 7 federal agencies are afforded a 60-day review period. So the comments that we give to you today are not our final comments. Our staff in Denver 9 10 is giving a full review of the application. And we have some issues that Mr. Notar will address. 11 Something I'd like to speak to is 12 13 biological effects. We have a federally listed 14 species, the desert tortoise; we're critical habitat for that species. And we are very 15 16 concerned about nitrogen loading and nitrogen depositions on soils, and what that effect will be 17 on the desert tortoise.

> Right now the jury's out on that issue. And we've commissioned a number of studies to try and determine how nitrogen deposition affects soil acidity. The National Resource Conservation Service recently completed a soil study that showed our soils to be extremely high in nitrogen when they should be very well buffered. We have

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19

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decomposing granite soils which should buffer to
neutral any acid on the soil, and it doesn't.
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Four hundred and sixteen tons per year

of nitrogen deposing across the Park, which was

that mountain range to the north, as we stood at

the site today, seven miles away, would surely

experience some increase in nitrogen deposition as

a result of this project.

Vegetation effects. The plants that live in our Park, your Park, have evolved in nitrogen-poor soils. When we put nitrogen on a soil that's fertilizing the soil. Ceratin plants thrive, and others don't.

Primary success of species like exotic plants thrive. We've recognized that there is an increase in fire behavior associated to exotic plants. Exotic plants are profuse in the presence of nitrogen. And so in 1999 we had a 14,000 acre fire, which destroyed, reduced a great deal of our Pinon Juniper communities which are where the desert bighorn sheep live.

Visitor experience is another issue that we manage for. AQRV is our air quality related values. And the power plant would be in view of the scenic vistas within the Park. And we're

Τ	concerned	tnat	a	visible	prune	LLOIII	tne	prant	

- 2 would be visible from within the Park. And that's
- 3 one of the things that we manage for, and we would
- 4 like to see addressed in the application.
- 5 Have you any questions or may I turn
- 6 over to John Notar at this time?
- 7 PRESIDING MEMBER PERNELL: I have a
- 8 couple questions. How large is the Park in its
- 9 entirety?
- MR. HOLBECK: We're almost 800,000
- 11 acres.
- 12 PRESIDING MEMBER PERNELL: 800,000
- 13 acres. And --
- MR. HOLBECK: We're bordered on the west
- by Highway 62, which turns and becomes our
- 16 northern boundary sort of. And interstate 10 on
- 17 the south. And we go past Eagle Mountain to the
- 18 east. We're about 60 miles long and about 40
- 19 miles wide.
- 20 PRESIDING MEMBER PERNELL: The other
- 21 question I have is you mentioned that we're 30
- 22 days into the process and so I guess my question
- is one of notice. Do you recall when you got
- 24 notice of this project?
- MR. HOLBECK: When we received the

1	application.

- 2 PRESIDING MEMBER PERNELL: When was
- 3 that?
- 4 MR. HOLBECK: I don't have the
- 5 application with me so I don't have the date on
- 6 it. It would have been right about the time a
- 7 month ago that you accepted as complete the
- 8 application and started your four-month process.
- 9 PRESIDING MEMBER PERNELL: Oh, so it was
- when the application was deemed complete?
- 11 MR. HOLBECK: Is that when it got mailed
- 12 out to us?
- 13 PRESIDING MEMBER PERNELL: Approximately?
- It doesn't have to be to the hour, just
- 15 approximately. And in your --
- MR. PRYOR: Commissioner, when we
- 17 received the application for certification in late
- 18 May we sent copies of that to libraries and
- 19 agencies that we were aware of that were in the
- 20 AFC, as well as our technical experts provided me
- 21 with a list of people who may not have been in the
- 22 AFC.
- 23 So somewhere around the first part of
- June it should have been sent to the National Park
- 25 Service.

1	HEARING OFFICER GEFTER: And also where
Τ.	DEARING OFFICER GEFIER. AND AISO WHERE
2	would you want the information sent? To your
3	Denver office or to your office?
4	MR. HOLBECK: Both.
5	HEARING OFFICER GEFTER: Well, I think
6	what we'll do is we'll put you on our proof of
7	service, so that as an interested agency, and you
8	give us both addresses. And then the applicant
9	and the staff will send you everything that occurs
10	in the case, including stuff that you don't want
11	to know about.
12	(Laughter.)
13	MR. QUINTANA: Be careful what you ask
14	for.
15	HEARING OFFICER GEFTER: We'll do that.
16	The other concern is your request for a scoping
17	meeting with the staff and the applicant. Do you
18	want to tell us about that?
19	MR. HOLBECK: Did we request a scoping
20	meeting?
21	HEARING OFFICER GEFTER: You mentioned
22	to me earlier that you
23	MR. HOLBECK: Well, it's usual and
24	customary, and I mentioned to you that I don't

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25

believe that you have scoped with my agency. We

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1
        received a letter that said you had accepted as
 2
         complete the application, and reiterated your
 3
         interest in scoping.
 4
                   And so I wondered when we received that
 5
         letter what it was that you were reiterating. Was
         that the open scoping at that point, or -- we
 6
 7
        didn't receive that initial scoping letter.
 8
                  HEARING OFFICER GEFTER: Mr. Pryor, do
9
        you have a response to that?
10
                  MR. PRYOR: There were two letters. One
11
         was sent with the application requesting review
         and comments to us by a certain date. And then
12
13
        when the application was found data adequate in
14
        June, late June, we sent another letter, just a
15
         letter, letting the agencies know that the
16
        Commission had accepted the application as data
         adequate, and the process was starting.
17
                   I don't recall the term scoping in
18
19
         there.
                   MR. HOLBECK: Well, it's a NEPA
20
21
        requirement, and CEQA should address everything
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requirement, and CEQA should address everything
that the National Environmental Policy Act
requires. And so your staff has been calling, and
that's scoping also. Trying to determine what
issues we want you to address in your review of

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1 the application.
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- And so I don't think that it's an
  enormous issue, you've scoped with us. It's just
  this expedited process limits our ability to make
  substantive comments because you're a bit ahead of
  us, like the Mayor said.
- 7 HEARING OFFICER GEFTER: Thank you.
- 8 Now, with respect to the issues regarding
- 9 visibility. Are you still looking for additional
- 10 analysis?
- 11 MR. HOLBECK: I believe that Mr. Notar
- 12 can speak to that issue.
- 13 PRESIDING MEMBER PERNELL: Well, I just
- 14 want to -- I think what this points to, at least
- in my mind, is a communication issue. So we want
- 16 to make sure that you're on proof of service, and
- 17 we want to make sure that we're talking to the
- 18 right department in your agency so that these
- 19 miscommunications, if in fact that's what it was,
- don't happen again.
- 21 So we on the Commission side will
- 22 improve our communication with the agency.
- MR. HOLBECK: Thank you.
- MS. HEREDIA: Commissioner Pernell, if I
- 25 might add, also, as part of development of the air

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1 quality section for the AFC, URS did contact Mr.
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- 2 Notar of the Park Service prior to filing the
- 3 application to discuss some of the aspects of the
- 4 visibility analysis.
- 5 Most certainly once he had the full
- document in hand he's in a better position to
- 7 comment more fully. But, I will say that URS has
- 8 tried to reach out to the Park Service, even prior
- 9 to submittal of the application to the CEC.
- 10 PRESIDING MEMBER PERNELL: Thank you.
- 11 Thank you for that.
- 12 MR. HOLBECK: I'd like to introduce John
- Notar. He's from our National Program Center in
- 14 Denver. The Park Service has subject matter
- 15 experts located in Denver who review our
- 16 application. And John's been a primary reviewer
- of the application.
- 18 HEARING OFFICER GEFTER: Mr. Notar,
- thank you very much for being here with us
- tonight.
- 21 MR. NOTAR: Sure. I'd like to thank you
- for allowing me to address you.
- 23 As Chris was saying, I'm from the Denver
- National Office. We review PSD permits and EIS's
- 25 for the National Park Service nationwide. So this

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is where our expertise lies.
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2	I guess I'd like to address four issues
3	regarding this project. One would be the control
4	technology. The second would be the air quality
5	impact analysis. The third issue would be the air
6	quality related values analysis, such as
7	visibility. And the fourth issue would be
8	offsets.
9	Basically I have had not a lot of time
10	but I have done some preliminary review of the
11	modeling that was done for the analysis. And
12	we've also reviewed the BACT control technology.
13	What Ocotillo is proposing is to use dry
14	low NOx combustion as their control technology.
15	This will emit a lot of the emissions of nitrogen
16	oxides at a rate of 9 ppm.

There are other sources in California that have similar type of engines, which are called simple cycle engines, that have applied better control technology, known as hot sided SCR control technology. There are six such power plants that have been permitted with this technology. And their emission rates are approximately 2 ppm.

25 So what that means is if Ocotillo just

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stays as a simple cycle, but does put on hot sided
```

- 2 SCR this would be an approximately 77 percent
- 3 reduction in NOx emissions, or a reduction of from
- 4 the 416 tons per year, it would reduce 323 of
- 5 those tons.
- 6 Should Ocotillo decide to go to combined
- 7 cycle in the next 18 months, that would be an
- 8 automatic requirement that they would put on SCR.
- 9 And that also would be at 2 ppm.
- 10 So either way, after 18 months we would
- 11 like to see some additional control technologies
- 12 applied to this plant.
- 13 HEARING OFFICER GEFTER: I'm sorry, on
- the hot sided control technology, you indicated
- that there are six projects, simple cycle --
- MR. NOTAR: In California.
- 17 HEARING OFFICER GEFTER: -- how large
- 18 are those projects?
- 19 MR. NOTAR: I don't have that
- 20 information. I just got this list today.
- 21 HEARING OFFICER GEFTER: Okay, and
- 22 also --
- MR. NOTAR: There's also one in Arizona
- and one in Washington.
- 25 HEARING OFFICER GEFTER: I'm going to

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1 ask you to get close to the microphone so we can
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- 2 hear you better.
- 3 MR. NOTAR: Okay. There's also one in
- 4 Washington and one in Arizona.
- 5 HEARING OFFICER GEFTER: Okay.
- 6 MR. NOTAR: And in terms of SCR on
- 7 combined cycle, that's a very nationally applied
- 8 technology.
- 9 Okay, regarding the air quality impact
- 10 analysis. Now this is regarding, there's two
- issues in air quality impact analyses. One is
- 12 called the national ambient air quality standards;
- that's basically a health and welfare related
- 14 standard.
- The other is what we call increment,
- 16 which is really a growth-related standard. And as
- 17 Superintendent Quintana said earlier, Joshua Tree
- is a class one area. There are only 48 class one
- 19 national parks in the United States. These were
- 20 specially set aside by Congress back in 1977 under
- 21 the Clean Air Act to afford them special
- 22 protection.
- In my review of the modeling analysis
- that was performed for the near field impacts,
- which would be basically the closer boundary of

```
the Park, itself, Ocotillo did the correct type of
 1
 2
        modeling. They modeled with the ISC model and
 3
         onsite data or near onsite data from Palm Springs.
 4
                   The analysis actually shown on table
 5
         5.2-33 indicates that the --
 6
                  HEARING OFFICER GEFTER: This table,
 7
        you're referring to the application?
 8
                  MR. NOTAR: Yes.
9
                   MR. HREN: What was the reference,
10
        again?
                   MR. NOTAR: Table 5.2-33.
11
                  HEARING OFFICER GEFTER: Also could you
12
13
        remember to talk into the microphone, thank you.
                  MR. NOTAR: In that analysis it
14
         indicates that their impacts are greater than
15
        class one significant level. And a class one
16
         significant level, the federal EPA July 1996
17
        posted a Federal Register notice.
18
19
                  And in the Federal Register notice they
         set aside what are called class one significant
20
21
         levels. And basically these are not the entire
22
         increment, which is afforded a national park, but
23
        a small portion of that. Should a source be
24
        greater than that small portion outlined here in
         the Federal Register, then they are required to
25
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perform a cumulative increment analysis.
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- Now, this would be for the pollutants of

  PM10 for the 24-hour averaging period. And NO2

  for the annual averaging period. Those are the

  only two averaging periods and pollutants where

  they exceeded the EPA class one significant

  levels.
- 8 So those are the only two pollutants
  9 that need to be included in this cumulative class
  10 one increment analysis.
- I don't believe there's really going to
  be that many sources actually included in this
  cumulative increment analysis because this area
  was a nonattainment area for a very long time.
  And increments do not apply to nonattainment
  areas.
- So really only the sources built

  probably in the last several years would be

  included in this class one increment analysis.

  This is something that applicant and South Coast
  and Park Service need to work together. We're

  more than willing to work with them and figure out
  what sources need to be included in this analysis.
- I believe it's really not Park Service's

25 responsibility, we are not the permitting agency.

1	But it's a	requirement	of the	applicant	and	South
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- 2 Coast to figure out what sources need to be
- 3 included in the analysis, and how the modeling is
- 4 to be done. And we will work in consultation with
- 5 both of those.
- 6 Moving on to air quality related values.
- 7 Air quality related value is --
- 8 MR. O'BRIEN: Excuse me, Mr. Notar, --
- 9 MR. NOTAR: Sure.
- 10 MR. O'BRIEN: -- before you go on, let
- 11 me ask a question on that. I read the comments
- 12 from the National Park Service on the issue of air
- 13 quality and the concerns that the Park Service has
- on this project.
- Regarding the cumulative impact analysis
- 16 that you were just referring to, does your letter
- 17 specifically lay out the information that you've
- just provided us?
- 19 MR. NOTAR: To some extent it does, yes.
- 20 MR. O'BRIEN: Okay, so --
- 21 PRESIDING MEMBER PERNELL: Well, what --
- MR. NOTAR: I assume this is Ernie's,
- 23 Superintendent Quintana's. Did you submit the
- 24 letter or --
- MR. QUINTANA: Yes, I did.

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1 MR. NOTAR: Okay, then it's in there.
```

- 2 MR. O'BRIEN: So, based upon your
- 3 comments, you indicated a willingness to work with
- 4 the applicant and with the Air District.
- 5 Am I to take that to mean that what you
- 6 need to do now is have further discussions in
- 7 terms of identifying the additional sources that
- 8 need to be inputted, the type of model that needs
- 9 to be used, various parameters that have to be
- 10 agreed to, is that correct?
- MR. NOTAR: That's correct.
- MR. O'BRIEN: And how long would it take
- 13 to --
- MR. NOTAR: Get this done?
- MR. O'BRIEN: Yeah, to get this done and
- 16 started.
- 17 PRESIDING MEMBER PERNELL: Well, I would
- assume it's going to get started right away.
- MR. NOTAR: It will. I've already had
- discussion on the bus.
- 21 (Laughter.)
- 22 PRESIDING MEMBER PERNELL: All right,
- 23 but Mr. O'Brien still has a question before you in
- 24 terms of how long you think it would take.
- 25 MR. NOTAR: I think that's really

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depending on the workload for the consultants for
URS and how quickly South Coast can turn around
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3 the inventory.

MR. O'BRIEN: Okay, but the bottomline 4 5 is that the position of the National Park Service is that it is necessary to have, if you will, a 6 7 workshop on this issue so that agreement can be 8 reached as to the correct modeling protocol to 9 make a determination as to what the cumulative 10 impacts of this project will be, along with other pollutant sources that need to be identified, is 11 12 that correct?

MR. NOTAR: I don't know if you really
want to call it a workshop, but yes, we need to
meet and discuss this.

MR. O'BRIEN: Okay.

MR. NOTAR: Okay, I'd like to continue

on and address air quality related values. An air

quality related value is a natural resource in the

Park that is affected by air pollution.

One of these air quality related values
is visibility. For example, another one would be
say, acid deposition. For example, in the Clean
Air Act, section 169, Congress declared as a
national goal to prevent any future and remedying

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any existing impairment of visibility mandatory in
federal class one areas, such as Joshua Tree.
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- 3 And also in section 165 of the Clean Air
- 4 Act Congress mandated that federal land managers
- 5 and federal officials charged with direct
- 6 responsibility for management of such lands have
- 7 an affirmative responsibility to protect air
- 8 quality related values, including visibility on
- 9 any such lands within a class one area.
- So, we have been ordered by Congress in
- order to do this. We're not trying to, you know,
- impede progress here.
- 13 But we have methods to look at
- 14 visibility both in the near field, which is very
- 15 close, say 10, 15 mile distance. And also very
- far away, as you know smog can travel very far
- 17 distances.
- In January 2000 this year the federal
- 19 land managers, which includes Park Service, Fish
- 20 and Wildlife Service and Forest Service, we are
- 21 the three federal agencies that have class one
- 22 areas, we put together and released in the Federal
- 23 Register, this is known as a flag workbook. It's
- really the federal land manager's air quality
- 25 related values workbook.

1	It lays out the methodology on how to										
2	perform air quality related value impacts such as										
3	visibility or acid deposition impacts. I know the										
4	consultants have applied this when they have										
5	performed their analysis, so that is not the										
6	sue.										
7	What we have discovered, though, is that										
8	in the modeling for both the visibilities there										
9	are some questions that need to be further										
10	investigated.										
11	I'd like to start out first with the										
12	long range visibility. This is a regional haze										
13	analysis. Upon review of the modeling files that										
14	were submitted by the applicant, we discovered										
15	that the methodologies that they used to describe										
16	the fine particulate coming out of the stack was										
17	mischaracterized.										
18	It was characterized as rather large										
19	particles and that was how the modeling was										
20	performed. In reality, and we've just checked										
21	this out, particles coming out of combustion										
22	turbines, such as this, are actually on a very										
23	small scale, or in the 1 micron size scale. This										
24	was modeled at the 10 micron size scale.										
25	Now, what difference does that make? I										

1	wish I had my overheads, too. Very small
2	particles actually scatter light, and that's why
3	when you see the haze it's really very small
4	particles and the sunlight is bouncing off and
5	scattering because it's impacting these very small
6	particles. They're about the same size as a wave
7	length of light.
8	Whereas when you're modeling as a PM10
9	size, 10 micron size, that's much bigger than a
10	light wave, and there is no discernible, or very
11	small discernible effect from the large particles.
12	So, in essence the modeling right now
13	indicates there are five days when they would
14	exceed the National Park Service threshold for
15	regional haze impacts or visibility impacts. This
16	is a 5 percent change, basically the visibility
17	you would see in the Park is 5 percent less
18	because of the emissions from the proposed power
19	plant.
20	We believe that those 5 days or 5
21	percent is actually an under-estimation, and we
22	are requesting that the analysis be redone using
23	the correct size characterization for the fine
24	particles.
25	Also in Flag we've outlined a

1	methodology where, and this is on page 34 of the
2	Flag document, which is downloadable at the
3	National Park Service website.
4	In our analysis if a source is greater

In our analysis if a source is greater than 5 percent change, which this source already is, it already has five days, then it can get kicked into a cumulative visibility analysis. If there has been another cumulative analysis already performed in the area recently, or in this case right now there is a cumulative analysis required because of the 24-hour PM10 increment, and the NO2 annual increment.

So they're already into the cumulative analysis mode. Therefore, we're requesting that they also perform a cumulative visibility analysis. And this would be basically the same sources that are going to be included in the PM10 and PM10 24-hour analysis and NO2 analysis.

Basically the newer sources that have just come into the area recently. As I said earlier, the older sources, probably back even in the 1980s, did not consume any increment, because this was a nonattainment area.

Now, the second type of visibility I was referring to is a visual plume, and I think most

1	people know what that looks like. You see a big
2	power plant stack, big stack somewhere. You see
3	this plume coming out and you can kind of see it
4	streak across the horizon for several miles.
5	EPA has two models on how to do this
6	type of visibility analysis. One is a rather
7	simple model that runs relatively very quickly say
8	on even a personal computer. And it's called
9	VisScreen. And the methodology to run the
10	VisScreen model is found in the workbook for plume
11	visual impact screening and analysis.

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Okay, this is for a level one and level two, a rather simple visibility analysis. Most sources pass this because plumes tend to dissipate after you go 15, 20 miles. The problem is that this source is only going to be about seven miles from the National Park.

The analysis that was done using the VisScreen model basically to level two still fail. They were still showing visible plume impacts into the Park. Therefore, correctly they went to the next level model, which is a much more sophisticated model and takes into account real meteorology and real time of the meteorology.

This is known as the PluVue model; this

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is a refined EPA visibility plume model. And this
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- was performed for not only the National Park
- 3 Service areas, abut also for, I believe, four U.S.
- 4 Forest Service class one areas surrounding this
- 5 area.
- 6 Upon reviewing the modeling that was
- done, we discovered that they, in a sense, mixed
- 8 and matched some of the methodologies from these
- 9 two different models.
- 10 In the simpler VisScreen model we ran a
- 11 level two analysis. You are only required to look
- 12 at the worst case 1 percent meteorological
- 13 conditions. That would blow the plume, say,
- 14 towards the Park or towards, say, the Forest
- 15 Service class one areas.
- 16 Under PluVue you're supposed to look at
- 17 all meteorological conditions. And this is why,
- as was stated, we were in consultation with the
- 19 consultant for this. In fact, we supplied four
- 20 different target observer view sites, basically,
- 21 where you would place an observer in the Park and
- 22 a target still within the Park. This is nothing
- looking outside the Park. Everything's from say a
- hiker standing in the Park looking at some other
- 25 feature within the Park.

1	And we identified four different site
2	paths that we asked the consultants to analyze.
3	And they did that. The only issue is is that they
4	still applied the instead of looking at all
5	meteorological conditions, they applied the
6	methodology from VisScreen and looked at the worst
7	case 1 percent conditions.
8	Therefore, we're not sure that there are
9	conditions that still may show a coherent plume or
10	not in the Park.
11	We're not saying there is impacts from a
12	visible plume, but we would like to see the
13	analysis basically a little more refined to
14	address all conditions. And we'll work with the
15	consultants on addressing that.
16	By the way, I'd like to point out though
17	that for Joshua Tree at the present level, the way
18	the analysis stands right now, there is not a
19	coherent plume calculated to impact inside Joshua
20	Tree, but there is inside San Gorgonio, the Forest
21	Service class one area.

22 So right there you have an adverse
23 impact during the morning winter season in San
24 Gorgonio. So we would like to work with the
25 applicant and tighten up on the plume analysis.

1	Lastly I'd like to get to offsets.
2	Basically South Coast has a method where they have
3	offsets from other areas, both the coastal and
4	inland areas of this L.A. area. And offsets are
5	usually applied for sources some distance from say
6	a class one area, and these are offsets they shut
7	down, some plant either put on extra controls, or
8	some plant shut down, whatever. And this frees up
9	emissions to allow other new sources, such as this
10	power plant, to come in.
11	The problem is right now, from what we
12	understand, is that I think South Coast is out of
13	offsets. They really don't have any more to hand
14	out. And also, just on the sheer distance, on the
15	sheer proximity of this power plant to the Park,
16	we're not sure there's any offsets in this
17	immediate area that could offset the 416 tons
18	proposed from Ocotillo.
19	What offsets really need to do, it's not
20	a ton for ton. Say 416 new tons from Ocotillo and
21	you take out 416 tons from somewhere else, which

a ton for ton. Say 416 new tons from Ocotillo and
you take out 416 tons from somewhere else, which
obviously is not going to be around here, but
someplace farther towards the city, is that you
really need to offset the impacts, and not just
the tons per year.

1	And I'm not sure, everybody has their
2	different offset policies, sometimes it's one for
3	one, which would be one ton new if you take one
4	ton out. Sometimes it's 1.2 to 1; basically you
5	have to take out 1.2 tons of old emissions before
6	one new ton can come in.
7	Either way, we just don't believe
8	there's enough offsets in this area that would
9	offset the impacts from the proposed 416 tons from
10	Ocotillo.
11	So, basically in conclusion, as you can
12	see, we have concerns about class 1 increment; how
13	much of that's been consumed.
14	We have impacts about far-field
15	visibility regional haze. We already know we have
16	impacts, and the new analysis should give us a
17	better understanding of what impacts will occur.
18	In terms of visual plumes, we'd just
19	like to see the analysis brought to completion.
20	And in conclusion, we really do feel
21	that additional controls need to be put on this
22	power plant. There is a price to pay when you're
23	locating a large major source like this so close
24	to a national park in a class one area. It's just
25	basically the cost of business that you have to

1	apply better control technology when you're
2	located so close to a class one area.
3	Thank you.
4	HEARING OFFICER GEFTER: Thank you.
5	PRESIDING MEMBER PERNELL: What I
6	(Applause.)
7	HEARING OFFICER GEFTER: Okay, thank
8	you, that's we will ask the applicant and staff
9	and South Coast to work with the National Park
10	Service on an immediate basis to begin your
11	analysis to respond to the concerns of the
12	National Park Service.
13	I don't know in terms of timing that
14	we'll ask you to discuss it among yourselves, off
15	the record, to schedule a time to consult with
16	South Coast and the National Park Service, and to
17	identify new sources as part of your analysis.
18	Yes?
19	MR. QUINTANA: As was mentioned we'd be
20	delighted to work with the applicants to try to
21	work through these issues. As you can see, the
22	expedited process has us all against or behind the
23	eight ball on this one.

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I would like to provide you. And already this is

I do have an updated comment paper that

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1 outdated based on the information that Mr. Notar
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- 2 provided. But we want to continue to provide
- 3 information that you need as the decision makers
- 4 to make a sound decision in this particular case,
- 5 so we'll leave this with you, as well, if you
- 6 like.
- 7 HEARING OFFICER GEFTER: Right. That
- 8 will be docketed. And do you have copies for the
- 9 applicant of that document?
- 10 MR. QUINTANA: No, I do not. If someone
- 11 will --
- 12 HEARING OFFICER GEFTER: Okay, Ms.
- 13 Mendonca can make copies. And this will docketed.
- 14 And it will be up on our website so everyone can
- 15 access it.
- MR. QUINTANA: Thank you very much for
- 17 hearing our concerns.
- 18 HEARING OFFICER GEFTER: Okay.
- 19 PRESIDING MEMBER PERNELL: I do have one
- 20 question. How long are you going to be in
- 21 California?
- MR. NOTAR: One more day.
- 23 PRESIDING MEMBER PERNELL: One more day.
- 24 And I would hope that everybody could get together
- 25 before you leave. And I did want to allow the

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1
         applicant just a chance to either ask a question
 2
         or rebut. This is not a rebuttal, we're not
 3
        getting into any cross-examination or anything,
 4
        but a lot of information has come out, and I just
 5
         want to give you a chance to respond.
 6
                   MR. CARROLL: Absolutely, and we
 7
         appreciate that. And I will keep it very brief,
 8
        because I know the members of the public have been
9
         very patient waiting for their turn.
10
                   Let me simply say we take very seriously
         the concerns of the National Park Service, and
11
         very seriously our desire to address those
12
13
         concerns. And that's why we initially contacted
14
         the Park Service approximately one month prior to
15
         submitting the application for certification, to
16
         understand the types of analyses that they would
         like us to undertake.
17
                   All of the various analyses that were
18
         mentioned by Mr. Notar were done, and are in the
19
         application for certification. I daresay it's the
20
21
        most detailed, comprehensive air quality analysis
22
         ever completed for a power plant project to be
23
        presented to the Energy Commission.
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What you heard are some very specific detailed nuances about how those analyses were

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1
         completed. And we look forward to addressing
 2
         those and working with the Park Service through
 3
         those. And we're pleased that we are now getting
 4
         the specifics.
 5
                   Because as you heard, these are very
 6
         specific concerns we need to know exactly what the
 7
         concerns are so that we know how to address them.
 8
                   HEARING OFFICER GEFTER: And also we
9
        would like to hear about the hot-sided technology
10
         that was referred to.
                   MR. CARROLL: I can respond to that, we
11
         are not aware of any simple cycle power plant with
12
13
         equipment of this type that is capable of
         operating with the hot side SCR.
14
                   I suspect, and would like to get a list,
15
16
        perhaps you can get a list from the person that
17
        mentioned to you that there were six projects, I
         suspect that those are much smaller units.
18
19
                   We, the South Coast Air Ouality
        Management District, California Air Resources
20
21
        Board and USEPA Region 9 undertook an exhaustive
22
         analysis and spent many hours talking about this
23
        very question. And all three of the air agencies
        now concur that 9 ppm is acceptable in a simple
```

cycle configuration.

24

1	And, of course, that will be only an
2	approximately 18-month period before we would
3	convert over to combined cycle and install the
4	SCR.
5	MR. NOTAR: I would like to add one more
6	comment for the record. Okay, in 18 months there
7	will be a decision whether to go to combined cycle
8	or stay a simple cycle.
9	We would like a federal when this
10	permit's issued soon, in the next how many weeks
11	or whatever, we'd like to see a federally
12	enforceable permit condition that will either, if
13	they go to SCR I mean if they go to combined
14	cycle they apply SCR. And if they stay a simple
15	cycle they apply hot side SCR. We would like to
16	see a federally enforceable permit condition from
17	South Coast on that.
18	HEARING OFFICER GEFTER: Okay. Well,
19	two things. One is that under section 25552 they
20	can only be certified for three years as simple
21	cycle. That's the maximum amount of time in the
22	first place.
23	The second place, our permit conditions

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24

25

will include a requirement that if they were to go

to combined cycle, that they would install SCR.

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1 And the applicant has indicated that in their
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- 2 application.
- 3 MR. CARROLL: We included that as a
- 4 proposed condition in the application for
- 5 certification.
- 6 MR. NOTAR: Okay. And in terms of the
- 7 engineering on the hot side SCR I'll get you in
- 8 contact with our engineers.
- 9 PRESIDING MEMBER PERNELL: Thank you
- 10 very much. We're going to move on, but very
- 11 informative presentation.
- 12 HEARING OFFICER GEFTER: Thank you.
- 13 PRESIDING MEMBER PERNELL: I want to
- 14 thank the applicant, the Forest Service, as well
- as staff for working together on this.
- 16 HEARING OFFICER GEFTER: I'd also like
- 17 to ask Ms. Mueller if you could come forward and
- indicate two things. One is the schedule for the
- 19 preliminary DOC, and also your response to the
- 20 comments by the National Park Service.
- MS. MUELLER: Okay. As far as the
- 22 schedule for preliminary determination of
- 23 compliance I stated earlier that that should be
- 24 available within the next few days.
- 25 However, with the one issues on the

1	cumulative analysis for PSD for the 24-hours PM10										
2	and annual NO2, we want to have some time to work										
3	with federal land managers on that. So, if I										
4	could get with you just right after this and see										
5	whether there's some time available tomorrow. And										
6	then I would have a better idea whether that issue										
7	could be resolved quickly or not.										
8	A number of comments that was raised										
9	here with regard to BACT. I think the applicant										
10	has accurately said that we went through an										
11	exhaustive discussions. My staff had conduct										
12	reviews of turbines around the country. We had										
13	contacted a number of projects back east;										
14	researched EPA inventory and so on and so forth.										
15	This particular engine is very unique										
16	and different than any other engines that was										
17	mentioned by the federal land manager, for the										
18	fact that the exhaust temperature is rather high.										
19	It's above and beyond the capability of the										
20	current SCR technology to handle that, unless										
21	there is a diluted air, which is another										
22	technology issue that really hasn't been achieved										
23	in practice.										

With that regard I think that's why all
three agencies are comfortable with the 9 ppm at

1	this	point	for	the	18	months	of	operations.
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- With regard to the title 5 and federally
  enforceable permit, as I had mentioned in some

  ther previous hearing, that the South Coast has
  two different permitting processes. One to
  satisfy the state law, and it is part of the CEC
  licensing process.
- We will undergone a separate federal

  permit process ourself, aside from this particular

  process. In that process the public will have an

  opportunity to have 30 days public review period,

  which extend beyond the schedule the CEC has right

  now. And EPA also has an opportunity to have 45
  day review and comment period, as well.
- So, issue on federal enforceable permit

  can be addressed at that time, as well.
- I think that's basically it in terms of
  addressing the concerns that were raised. Oh, as
  far as the offsets are concerned, I think the
  gentleman was accurate in saying that that should
  be, it's not just one to one offset, there's a
  higher ratio of offset.
- But we do that on a basinwide basis. The
  applicant has gave us a verbal indication which we
  would need a written followup from them on, is

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that they wanted to opt into the reclaim program.
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- 2 An offset under that particular emission trading
- 3 program is provided in a slightly different manner
- 4 than the traditional offset process.
- But as a whole, the South Coast Air
- 6 Quality is trying to provide a significant offset
- 7 ratio to any emission increases that occur in the
- 8 basin.
- 9 Thank you.
- 10 HEARING OFFICER GEFTER: Thank you.
- 11 PRESIDING MEMBER PERNELL: Thank you.
- 12 HEARING OFFICER GEFTER: So, again, we
- 13 will encourage the Air District and the Park
- 14 Service and the applicant and our staff to get
- 15 together as soon as possible to address the issues
- 16 raised by the Park Service.
- 17 And we will also be working with the Air
- District to find out about the PDOC.
- MR. OGATA: Excuse me, Ms. Gefter.
- 20 With respect to that issue and the timing of the
- 21 issue, I'd like to maybe ask for some direction
- from the Committee on this.
- 23 As you know, staff has a requirement of
- 24 a ten-day notice in order to conduct workshops to
- 25 address these things. Given the timeframe that we

```
1
        all want to get these issues started, if not
 2
        resolved, I was wondering if the Committee might
 3
        consider directing the parties, as a continuation
 4
        of this informational hearing, to meet within the
 5
        week or so, and that way staff could pick a time
        with everyone when they're available, but we can
 6
 7
         shorten the notice of time from ten days down to a
        week or whatever it is we need to do to get this
9
        going.
10
                   PRESIDING MEMBER PERNELL: I think the
         Committee would be amenable to that.
11
                   HEARING OFFICER GEFTER: Yes.
12
                                                  In fact,
13
         what we'll do is we will continue this
         informational hearing for one week during which
14
15
         time we would anticipate that the staff, the
16
         applicant, the National Park Service, and the Air
        District would meet to discuss the issues raised
17
18
         this evening.
                   Mr. O'Brien.
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19

20 MR. O'BRIEN: I'd just like to add one 21 other comment, and direct this to staff. It was 22 stated by Mr. Notar from NPS, and I seem to recall 23 this in my review of the AFC, that in addition to 24 Joshua Tree National Park, there are other class one areas located nearby to the proposed project. 25

1	One	being	the	San	Gorgonio	Wilderness	Area.	That
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- land is under the auspices, I believe, of the
- 3 United States Department of Agriculture,
- 4 specifically the U.S. Forest Service.
- It would seem to me that it would be
- 6 important for staff to contact the Forest Service
- 7 to ascertain whether or not they have any
- 8 concerns, and whether or not they want to
- 9 participate in any way in these discussions.
- 10 MR. PRYOR: I'll make sure we contact
- 11 the Forest Service.
- 12 HEARING OFFICER GEFTER: Okay, and also
- 13 the, I understand a representative from U.S. Fish
- and Wildlife Service is here. And if you're still
- here, concerns about biological impacts and
- 16 whether you also want to participate in these
- 17 discussions.
- Is the representative from U.S. Fish and
- 19 Wildlife still here?
- 20 MR. McDONALD: Yes, we have no comments
- 21 at this time.
- 22 HEARING OFFICER GEFTER: Okay. If we're
- 23 going to move on from the air quality issue and do
- 24 you have any comment -- U.S. Fish and Wildlife
- 25 Service, do you have any comments on biological

1	impacts, aside from the air quality issues that
2	were mentioned?
3	PRESIDING MEMBER PERNELL: You really
4	need to come down to the microphone.
5	HEARING OFFICER GEFTER: You need to
6	come and speak into the microphone.
7	MR. McDONALD: Yes, our concerns at this
8	point are the indirect impacts that were
9	HEARING OFFICER GEFTER: Okay, please
10	state your name again.
11	MR. McDONALD: Matt McDonald.
12	HEARING OFFICER GEFTER: Thank you.
13	MR. McDONALD: The indirect impacts that
14	were mentioned by the Park Service on the desert
15	tortoise habitat that would be from emissions.
16	HEARING OFFICER GEFTER: And what
17	exactly are your issues about the desert tortoise?
18	MR. McDONALD: It would be the same
19	concerns that the Park Service has, and that is
20	the effects of the emissions on desert tortoise
21	habitat, degradation and so on.
22	HEARING OFFICER GEFTER: You're
23	referring to nitrogen deposition on the soils?
24	MR. McDONALD: Yes.
25	HEARING OFFICER GEFTER: Okay. And have

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1	you written, filed any comments, or indicated to
2	the applicant more specifically what your concerns
3	are regarding the desert tortoise?
4	MR. McDONALD: Well, we've written two
5	letters now concerning mostly direct impacts. And
6	the second letter was concerning the new
7	information, or the new concerns that the Park
8	Service brought up.
9	HEARING OFFICER GEFTER: Okay. And I'd
10	like to ask the applicant what your timeframe is
11	for responding to the concerns of U.S. Fish and
12	Wildlife Service with respect to the desert
13	tortoise. And please state your name.
14	MS. McCORMICK: My name's Kim McCormick.
15	And I'm an attorney with Latham and Watkins.
16	We have been discussing the biology
17	impacts with Matt McDonald of the U.S. Fish and
18	Wildlife Service since approximately February of
19	this year.
20	We have made great progress on the
21	direct impacts. We were not aware of the indirect
22	impact issue until it was raised for the first
23	time last week by the National Park Service. And
24	we've indicated to Matt that we're more than
25	willing to meet with him as soon as possible to

discuss this is	sue and try	and resolve the
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- 2 concerns the National Park Service has raised.
- We have done a deposition analysis in
- 4 the AFC that was presented to the CEC in our
- 5 application that basically shows that there is
- going to be no significant, or even insignificant,
- 7 impact to vegetation or any kind of offsite desert
- 8 tortoise habitat as a result of any deposition
- 9 from the proposed plant facility.
- 10 But to the extent that there are
- 11 modeling issues that the National Park Service has
- 12 raised, we'd be happy to discuss those with both
- the Fish and Wildlife Service and the Park
- 14 Service.
- 15 HEARING OFFICER GEFTER: We hope that
- will be done in an expedited manner.
- MS. McCORMICK: We'd be happy to start
- that as soon as possible.
- 19 HEARING OFFICER GEFTER: Mr. McDonald,
- you're available to meet with the applicant on
- that on an expedited basis?
- MR. McDONALD: Yes, of course.
- 23 HEARING OFFICER GEFTER: Thank you. Do
- you have any other comments at this time?
- MR. McDONALD: No.

Τ	PRESIDING MEMBER PERNELL: Thank you.
2	HEARING OFFICER GEFTER: Thank you. One
3	other agency I'll call on the intervenor after
4	I speak to we'd actually like to call up the
5	City Planner from the City of Palm Springs to
6	discuss the zoning issue.
7	MS. SULLIVAN: Hope Sullivan; I'm the
8	Planning Manager with the City of Palm Springs.
9	Just to clarify the zoning issue I believe,
10	Commissioner Pernell, you asked about zoning
11	compliance at the onset of the meeting.
12	Right now the proposed use is not in
13	compliance with our zoning. The Council is
14	considering a text amendment. They'll hold a
15	public hearing on that on Wednesday. Should the
16	Council choose to amend the ordinance, it would be
17	consistent.
18	HEARING OFFICER GEFTER: Thank you.
19	PRESIDING MEMBER PERNELL: Thank you.
20	Off the record, please.
21	(Off the record.)
22	HEARING OFFICER GEFTER: We have a
23	number of cards from members of the public who
24	have comments and questions. Also, we've been
25	going for almost two hours, and we need to give

```
our reporter a break, as well as some of us.
```

- 2 So we're going to take a ten-minute
- 3 break, and then we'll come back and ask the
- 4 members of the public and the intervenor to
- 5 address us.
- 6 We'll be back here exactly 8:25.
- 7 (Brief recess.)
- 8 HEARING OFFICER GEFTER: We want to
- 9 thank those of you who have been able to stay
- 10 around till the bitter end. We have quite a
- 11 number of cards from members of the public who
- 12 would like to address us. So let's get started
- 13 right now with Joyce Manley. Surprise. Please
- spell your name when you get up here.
- MS. MANLEY: I'm Joyce Manley,
- 16 M-a-n-l-e-y. Joyce, J-o-y-c-e, I think you know
- 17 that.
- 18 I'm here as a concerned resident of the
- 19 area. I live in Painted Hills, which is west of
- Highway 62 and north of Dillon Road.
- 21 At the moment today I would have been
- 22 upwind of such a plant. I'm about three miles
- from the site. Yesterday I would have been
- 24 downwind because the wind was blowing from the
- east, so it would have been blowing up into my

```
property, and I don't care to be there.
 1
 2
                   We're having enough of a fight right now
 3
        with the windmills who are polluting our ground
 4
        with oil and grease that they are leaking. And
        now you want to put the power plant there and turn
 5
        around and blow things on me, or if not blowing it
 6
 7
         on me, you want to blow it downwind.
 8
                   I have a couple of questions.
9
        phase two goes on, or the second phase, what is
10
         added to this existing plant?
                  HEARING OFFICER GEFTER: Would you
11
         answer, Mr. Hren?
12
13
                  MR. HREN: Yes, thank you, I'd be happy
14
         to answer. The primary change for phase two is
         the addition of what's called the heat recovery
15
         steam generator, and the SCR the gentleman from
16
         the Park Service was so adamant that we should
17
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So the heat recovery steam generator extracts about 50 percent more energy from the same machine without burning any additional natural gas. So it's an efficiency improvement for the cycle. And it adds a steam turbine, and it thus increases the output for the facility.

25 MS. MANLEY: And increases the size of

add, which we do plan to add.

18

19

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21

22

23

24

```
1 the facility?
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- 2 MR. HREN: The physical size of the
- 3 facility --
- 4 MS. MANLEY: Um-hum.
- 5 MR. HREN: -- is your question? The
- 6 heat recovery steam generator is about 90 to 100,
- 7 110 feet height. And the stack will be a taller
- 8 stack than during phase one.
- 9 MS. MANLEY: So it does add to the
- 10 physical plant?
- MR. HREN: Yes, it does.
- 12 MS. MANLEY: Okay. You talk about the
- evaporation pond. And you say it has a double
- liner, so you don't want to percolate into the
- 15 soil, correct? Okay. This is in the flyway for
- 16 migratory birds. What happens when the birds see
- that and want to come down and land? They say
- it's a pond, and all these -- you're going to
- 19 leave existing turbines between the two sites, and
- on surrounding sites, correct? It's still going
- 21 to be all surrounded by turbines, small and large,
- 22 both, right? Correct?
- MR. CARROLL: That's correct.
- MS. MANLEY: Okay.
- 25 MR. CARROLL: I think I know where

```
1 you're headed. Perhaps our biologist, Anne
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- 2 Knowlton, can address --
- 3 MS. MANLEY: Sure.
- 4 MR. CARROLL: -- your question.
- 5 MS. MANLEY: What if they want to come
- 6 and land in that big pond? I'm serious, very
- 7 serious.
- 8 MS. KNOWLTON: Right now we're looking
- 9 into different designs for netting --
- 10 HEARING OFFICER GEFTER: Excuse me,
- 11 would you identify yourself, first?
- MS. MANLEY: For netting? For netting?
- MS. KNOWLTON: My name is --
- PRESIDING MEMBER PERNELL: Ma'am, --
- 15 HEARING OFFICER GEFTER: State your name
- 16 first.
- MS. MANLEY: Yeah, I just --
- MS. KNOWLTON: My name is Anne Knowlton;
- 19 I'm a Biologist for URS.
- 20 And we are looking into different
- 21 designs for netting, like fine mesh netting, to
- 22 cover the ponds. And even something that will
- obscure the pond or the water from visibility.
- 24 And right now we're looking at other
- 25 examples of -- we're looking for examples,

```
different designs, so that we can get something
```

- 2 constructed up and over the pond. It's actually
- 3 in the response to the CEC data request.
- 4 MS. MANLEY: What's going to happen if
- 5 they -- but if they see it and they start flying
- in with all the turbines there. Why aren't you
- 7 taking down more turbines?
- PRESIDING MEMBER PERNELL: Well, ma'am,
- 9 we --
- 10 MS. MANLEY: I'm -- you wanted
- 11 questions.
- 12 PRESIDING MEMBER PERNELL: No, wait, let
- me set some parameters.
- MS. MANLEY: Yeah, sure.
- PRESIDING MEMBER PERNELL: Because I
- 16 think what she said is they're looking into ways
- 17 to cover the pond so that birds won't fly down
- into it. And if there's another issue you want to
- 19 ask, that's fine. But we can't -- I don't want to
- debate back and forth in terms of what they're
- looking for.
- 22 And we will have other meetings that we
- 23 can cover this in more detail. But I'm trying not
- 24 to get into a back-and-forth, so if you have
- another question you can ask that.

```
1
                  MS. MANLEY: Um-hum, I do. Now, what
 2
        about the salts? Now what happens, you say it's
 3
        going to evaporate and then the salts are going to
 4
        be -- well, they're obviously going to accumulate
 5
        to some point. What happens to the salts?
 6
                  MR. HREN: The salts will be -- the
 7
        water will get saltier and saltier, --
 8
                  MS. MANLEY: Um-hum, um-hum, um-hum.
 9
                  MR. HREN: -- and it will become kind of
10
        what we call a slurry.
                  MS. MANLEY: Um-hum.
11
                  MR. HREN: At that point in time the
12
13
         salt will be removed as a slurry prior to it
        reaching the dry state. So that will be taken
14
15
        offsite and basically disposed of.
                  MS. MANLEY: And how is it disposed of?
16
         Is that too many questions?
17
                  MR. HREN: The material is, you know,
18
19
        not hazardous.
                  MS. MANLEY: Salty slush is what it is,
20
21
        but --
                  MR. HREN: Salty slush, yeah.
22
                  MS. MANLEY: -- where are you going to
23
```

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MR. HREN: Actually what --

dump it? I mean --

24

```
MS. MANLEY: -- what -- and maybe these
1
 2
        are just questions thrown out at you to be
 3
         answered at a later time.
 4
                   But my concern, okay, where, you know,
 5
        what's going to happen with it? Where's it going
 6
         to go? Et cetera.
 7
                   MR. HREN: If I could just say that in
 8
         some cases this material is further dried in a
9
         location, you know, where it's not subject to the
10
        wind. So that would be offsite.
                  MS. MANLEY: That's where I was going.
11
                  MR. HREN: And at that point the
12
13
        material is actually sold as a product in some
        cases. It's used as road salt on icy roadways.
14
        So that could be the outcome, the final
15
        disposition of that material. That's one example.
16
                  MS. MANLEY: Another concern I have is
17
         that there are several others proposed for this
18
        area down here. It just seems to me that, and
19
         they've said it to us before regarding the
20
21
        windmills which we're in a big fight on now, it's
22
         like, well, there's nothing else out there,
23
         there's really nothing out there in the open
```

25 Well, there are a lot of us who live out

24

space.

```
there. I taught school in Los Angeles for 30
years, and earned my right to have my house on the
hill and my view, and hopefully clean air, clean
water and so forth.
```

5 Another concern I have is that you're going to be pulling out of the aguifer from 6 7 Mission Springs Water District. We're all, in the 8 area, concerned about how much water goes out of 9 that aguifer because we want it to go on for a 10 long time. It's also some of the purest water in the world. I'm sure you've seen that in some of 11 the things we've got, in water tasting contests 12 13 and whatnot. It comes out as the first or second 14 in the world in water quality and water tasting.

15

16

17

18

19

20

If you're pulling out a couple of golf courses worth of water every day, that seems to me like that's too much depletion. There ought to be another way, whether you do recycled water or whatnot, to not take our pristine water and use it to cool a polluting plant.

MR. HREN: We're getting into an area
that makes it difficult for me to respond to, but
I will respond, because our initial application
for certification for the simple cycle where our
water consumption is very small.

```
For the second phase, phase two, we are,
in fact, using reclaimed water from Mission

Springs Water District for --

MS. MANLEY: But that doesn't go online
```

- 6 MR. HREN: No, that's because only then
- 7 does our water consumption go up in volume. So

for another 18 months or so, right?

- 8 prior to that time our water consumption is very
- 9 very small. And --
- 10 MS. MANLEY: Compared to what?
- 11 MR. HREN: For example, the --
- MS. MANLEY: A golf course?
- MR. HREN: Extremely small compared to a
- 14 golf course.
- 15 PRESIDING MEMBER PERNELL: Ma'am, I
- 16 can't allow that.
- MS. MANLEY: I can't do that, okay.
- 18 Okay.

5

- 19 PRESIDING MEMBER PERNELL: All right,
- I'm trying to be flexible.
- MS. MANLEY: Okay, next, one more
- 22 statement, then, because --
- 23 PRESIDING MEMBER PERNELL: All right.
- MS. MANLEY: -- other people, I know,
- 25 have to talk. A big concern from me, and I know

```
1 from a lot of the other people out in the area,
```

- 2 it's just like other things we've been speaking to
- 3 recently. The fast track item.
- 4 It doesn't really give enough time to do
- 5 thorough, thorough studies. And we haven't had an
- 6 energy warning down here in the last month. We
- 7 haven't had any stage one, stage two, stage three,
- 8 no blackouts or anything. Obviously people have
- 9 conserved enough that we have been able to keep
- from having even a warning status.
- So, it seems to me that maybe we need to
- 12 take a little more time, as the Park Service said
- and so forth, to really really go into this before
- 14 we jump in and start saying, okay, yeah, you can
- do that, you can do that.
- 16 Because once it goes online, once it's
- 17 built out there, it's built. And it's going to be
- there. And I'm going to have to look at it like I
- 19 look at the peaker plant from my front porch, and
- 20 all the windmills and everything else that
- 21 everybody seems to think, oh, well, just put them
- 22 out there.
- 23 Well, out there is in my front yard. It
- 24 may be three miles away, it's still in my front
- 25 yard. I've had to put up with for months those

```
1 huge lights, construction lights down at the
```

- 2 peaker plant. I'm glad it's finally going on line
- 3 because they're beginning to turn off some of
- 4 those lights that light up my front porch, my
- 5 bedroom.
- 6 There are a lot of things like that and
- 7 you think, oh, well, we'll just put up a power
- 8 plant. Well, people are involved. And people
- 9 care. And our environment, our visual
- 10 environment, as well as the air quality and the
- 11 birds and all of the rest of it that goes through
- 12 the area.
- 13 So, think about it before you race it on
- 14 through.
- 15 PRESIDING MEMBER PERNELL: All right,
- 16 let me --
- MS. MANLEY: Thank you.
- 18 PRESIDING MEMBER PERNELL: -- let me
- 19 respond to your conservation question. We
- certainly, at the state level, appreciate all of
- Californians who are conserving. But we've also
- 22 brought on some 1400 megawatts, so it's not just
- 23 people conserving.
- 24 And there's a reason why you haven't
- 25 seen any blackouts or warnings. And those reasons

```
1 \hspace{1cm} are happening up and down the state where people
```

- 2 are stepping --
- 3 MS. MANLEY: I'm aware of that.
- 4 PRESIDING MEMBER PERNELL: -- up to the
- 5 plate, conserving, while we are bringing on more
- 6 generation.
- 7 So, we're working our way through this
- 8 challenge, but it is certainly not over.
- 9 MS. MANLEY: Oh, I know it's not over.
- 10 I know it's not over. And I know that we have to
- 11 have --
- 12 PRESIDING MEMBER PERNELL: I just wanted
- to respond --
- MS. MANLEY: -- sources of --
- PRESIDING MEMBER PERNELL: -- to respond
- 16 to that, so --
- 17 MS. MANLEY: I know that we have to have
- 18 additional power. But we've already got the
- 19 peaker plant right there off of Indian, right --
- 20 PRESIDING MEMBER PERNELL: Right, well,
- 21 I'm aware of that, ma'am. Thank you.
- MS. MANLEY: -- but put one somebody
- 23 else's backyard, frontyard --
- 24 PRESIDING MEMBER PERNELL: And we are.
- MS. MANLEY: You're not putting any in,

```
1
        but --
 2
                  PRESIDING MEMBER PERNELL: This is not,
 3
         this is not --
 4
                  MS. MANLEY: -- you're not putting any
 5
         in Beverly Hills, Indian Wells, --
                   PRESIDING MEMBER PERNELL: Ma'am, ma'am,
 6
 7
         I'm not going to have it. I'm sorry.
 8
                  MS. MANLEY: Thank you.
 9
                  PRESIDING MEMBER PERNELL: Okay.
10
                  HEARING OFFICER GEFTER: Okay, Timothy
        Regalato. Is Timothy still here? Steven Bayrd.
11
        Steven Bayrd. Please come up and spell your name
12
13
         for the record.
                  MR. BAYRD: Hi, my name is Steve Bayrd.
14
         It's B-a-y-r-d. I'm a resident of the area that's
15
        called the Mission Creek area, which is kind of up
16
        and above this area.
17
                  And my neighbors and I, for the last
18
         several months, have watched the peaker plant
19
20
        happen. And when I heard about this one, we kind
21
        of kidded ourselves and talked back and forth
22
        about increased billowing of smoke coming out of
23
         smoke stacks, and what-have-you.
```

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decided to learn more about it, I have a bit of a

And as the date of this got closer and I

24

```
1 technology background, so I decided to use that
```

- 2 and just go kind of dig into this issue.
- 3 And because I had significant concerns,
- 4 and those were in four areas. Appearance,
- 5 emissions, light pollution and noise.
- 6 And I kind of worked through those one
- 7 by one, researching the technology that's being
- 8 used here. To back up just a little bit, I kind
- 9 of had to come in the past to a meeting with
- 10 myself about the windmills, because I recognized
- 11 the wonderful need for alternative energy. But
- here I was looking out over a valley that was
- 13 proliferating with windmills. And I did arrive at
- that and found my own common ground for that.
- 15 And in this case, as well, what I've
- seen and maybe looking toward the technologies and
- 17 the background that I have, I understand -- I used
- to live in the South Coast area here, and be near
- 19 power plants that were along the coast, and
- 20 watched the billowing of smoke.
- 21 And those old power plants eventually
- 22 hopefully can come off line as these newer
- 23 technologies come in. And while I recognize some
- of my neighbors' concerns, I think I've addressed
- 25 the concerns that I had. The folks, you know,

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telling me, and hopefully the City Council and
```

- 2 other people can help make sure that the motion
- 3 lights only are there, instead of night lighting
- 4 that's lighting up the sky and obscuring the
- 5 stars.
- I went down and parked next to the
- 7 peaker plant and listened to that. And the noise
- from the freeway and from highway 62, you know,
- 9 the trucks are louder than that was. I was kind
- of taken aback by that.
- 11 So the technology that's there and that
- is being used I'm fairly impressed with. So, I've
- mitigated my concerns, and think with the benefits
- that this provides as far as taxes and jobs and
- other kinds of things, I think it's a useful
- 16 thing.
- 17 Thank you.
- 18 PRESIDING MEMBER PERNELL: Thank you,
- 19 Mr. Bayrd.
- 20 HEARING OFFICER GEFTER: Thank you.
- 21 Theresa Covey. Please spell your name for the
- 22 record.
- MS. COVEY: T-h-e-r-e-s-a C, as in
- 24 Charles, o-v, as in victor, e-y.
- 25 HEARING OFFICER GEFTER: And I must say

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that we received your emails, we've all -- the
```

- 2 staff and the applicant, we've all seen them.
- 3 MS. COVEY: Thank you. To the
- 4 Commissioners, to the Chairman and the Officer, I
- 5 am a homeowner residing directly west of the
- 6 proposed Ocotillo Energy Plant.
- 7 When we turned around in the bus you
- 8 were looking at the back end of my property. It
- 9 backs all the way to 16th Street where we turned
- 10 around. And it was the second house over, the one
- 11 you couldn't see because it was hidden behind the
- trees. However you could see my parents'
- motorhome sitting up there.
- 14 I'm in strong opposition to the granting
- of an emergency permit for this facility under the
- 16 process established by executive order. This is
- not a peaker plant. It's not planned to be in
- operation by September 30th. I doubt if it will
- be in operation by this summer.
- I feel it does not qualify for a fast
- 21 track for many reasons. It is, in reality, a full
- 22 sized power plant. It would be permitted to run
- 23 almost 24 hours a day, 365 days per year. It is
- 24 20 times as large as most of the emergency energy
- 25 peaker plants that have been put in operation or

```
proposed. It is eight times as large as the
Indigo plant in power to be put out.
```

3 They tell us it will only be one and a half times as large in size, but it also is going 4 5 to have a 15-acre pond. This pond, they are trying to say is so small, is 600-and-something 6 7 feet by 1000 feet. I know that my property is 8 300-and-something feet by 660 feet, and it is five 9 acres. Now think about that. It's going to take 10 three of my properties to make that pond.

11

12

13

14

15

16

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18

19

20

21

22

I'm asking for a full 12-month

California Environmental Quality Act review. I

did not oppose the installation of the Indigo

plant, which is approximately two and a half miles

from my property, because I realize there is a

need for more energy.

However, the energy produced by Indigo alone could supply all the needs of the City of Palm Springs. The energy produced by the proposed Ocotillo plant would be enough to fill the needs of the entire Coachella Valley. And yet we have other plants proposed for this Valley.

What other small cities have more than
one power plant? There are many issues to resolve
concerning this proposed plant. It has been

```
recognized as being a major air polluter. You've already heard testimony on that.
```

- We realize there are air pollution
- 4 credits available to be purchased, and you've
- 5 already heard this, too, towards the plant by
- 6 paving roads, converting buses to clean energy,
- 7 all of the types of exchange credits.
- 8 However, this is not going to keep the
- 9 air where I live clean. When that plant puts out
- 10 its nastiness into the air I'm going to breathe
- 11 it.
- 12 We live in a wind corridor which allows
- us to make considerable power from wind turbines.
- 14 In fact, when the City of Palm Springs annexed
- this land in 1995, which wasn't that long ago, the
- 16 EIR done specifically stated this area was an
- 17 alternative energy area. And specifically stated
- no fossil fuels to be allowed in this area.
- 19 This same wind also brings us pollution
- from the L.A. Basin, from the inland valleys.
- 21 It's sucked through the San Gorgonio Pass into the
- 22 Coachella Valley in a constant thermal interchange
- with the coastal areas.
- 24 The I-10 freeway is also a gross
- 25 contributor to pollution to our area. I-10 is the

1	conductor of truck and auto traffic to Los Angeles
2	from the entire rest of the United States and
3	Mexico.
4	To those of us who live here, credits
5	for air pollution will not give us quality air.
6	There are also several sensitive animals
7	and birds residing in this area. Already
8	discussed was the desert tortoise, which is
9	endangered. But also living on my property I have
10	burrowing owl and other owl species; the black-
11	headed California king snake and other snakes; the
12	fringe-toed lizard, which I believe is endangered;
13	the redtailed hawk and other hawk species; the
14	California thrasher, which is on a sensitive list;
15	and other desert birds. We have the California
16	State Roadrunner. All of these animals live on my
17	back yard.
18	So it is definitely a sensitive area
19	that we are talking about. We're in a flyway from
20	the Pacific Ocean to the Salton Sea. You've
21	already heard that also. And our concerns about
22	the pond. Will they try to land? Is this pond
23	going to be contaminated?
24	One time we hear it's clean water coming
25	from the wells, and it's only going to have salt

```
1
         in it. And then we hear it's going to be treated
 2
        wastewater from Desert Hot Springs. Which is it
 3
        going to be?
 4
                   It's supposed to be stage two
 5
         wastewater, which you can water golf courses with.
 6
        And they're supposed to be tertiary treating it on
 7
         the premises. Which brings into more chemicals.
 8
                   We're also extremely concerned with the
9
         chemicals that are going to be onsite, and the
10
         enormous high pressure gaslines that most probably
        will be subject to a 7.0 magnitude earthquake; and
11
        possibly an 8.0 at sometime in the future. The
12
13
         site has an active fault directly across the
14
        property. It runs diagonally across this
        property. And it was last documented active on
15
16
         that site in July of 1949.
                   Around that site we have had other
17
         earthquakes. There are also several other faults.
18
        There's hot water seismic activity all around this
19
20
        proposed plant.
                          That's what Desert Hot Springs
21
         is known for. And that's also where the grammar
22
         school is in direct line with anything that comes
23
         from this plant.
                   Thank you very much for your time and
```

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your consideration. And I really do appreciate

24

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being able to address this Committee.
```

- 2 HEARING OFFICER GEFTER: Thank you very
- 3 much.
- 4 PRESIDING MEMBER PERNELL: Thank you.
- 5 (Applause.)
- 6 HEARING OFFICER GEFTER: I wanted to ask
- 7 the applicant to address the concerns that I've
- 8 heard from speakers so far regarding the
- 9 prevailing winds and how the -- where the point of
- 10 maximum impact is. And if you could just address
- 11 that very quickly in response to the comments of
- 12 the speakers.
- MS. HEREDIA: Joan Heredia from URS.
- 14 The prevailing wind pattern is somewhat telling by
- the windmills. Basically it comes down through
- the San Gorgonio Pass and splays on out.
- In regard to our maximum impacts, I
- think what may behoove the Commission is is that I
- 19 could put together a map maybe showing that point
- 20 specifically for you. But it was on the
- 21 surrounding hillsides which are undeveloped.
- We were not seeing significant impacts
- 23 within the regions where homeowners live. But
- 24 maybe if I could just provide you a visual at a
- later date, that might help you.

1	HEARING OFFICER GEFTER: That would be
2	fine if you file that, and perhaps send it to us
3	so we can put it up on the web so people can
4	access it.
5	One of the comments that the previous
6	speaker made was that her house is either upwind
7	or downwind, depending on the prevailing winds.
8	And I'm wondering if applicant has a response to
9	that. Does the wind direction change?
10	MS. HEREDIA: Well, you know, I would
11	say over 8760 hours in a year the wind can go many
12	different ways. It could go back towards the
13	homeowner, beyond the shadow of a doubt.
14	But there is the predominant wind
15	patterns which will take it down through the
16	valley.
17	PRESIDING MEMBER PERNELL: This is also
18	a followup question to one of the speakers, and
19	that is is there any endangered species on the
20	site?
21	MR. KNOWLTON: This is Anne Knowlton
22	speaking again. We did protocol surveys for
23	endangered species, and had our survey methods
24	approved by the agencies.
25	And we went through the site for two

```
years and did 100 percent cover surveys. That's
 1
 2
         documented in the application.
 3
                   And we did not find any occurrence of
 4
         endangered species. We did find old abandoned
 5
        burrows, and they are documented and mapped on the
 6
         appendix for the biology section. And that
 7
         information has been reviewed by the agencies, and
         they also agree that there are abandoned old
9
        burrows.
10
                   But no, there are no active endangered
         species that are encountered on the site.
11
12
                   PRESIDING MEMBER PERNELL: Thank you.
13
                   HEARING OFFICER GEFTER: The next
         speaker would be Thomas Covey. Please also spell
14
15
        your last name for us.
                   MR. COVEY: Covey, C-o-v, as in victory,
16
17
```

-e-y. I just wanted to state that if the executive order hadn't of come down when it did this project would have went through the full environmental impact review process.

18

19

20

21 This shortened process doesn't allow the 22 proper amount of time required to examine all the 23 impacts, environmental, cultural, economic and so 24 forth. I understand that a lot of this has been 25 done, it just needs to be completed and have the

```
review period in order for an environmental impact report, a final one, to be put out.
```

- I've attended three meetings now and

  each time I attend a meeting there's additional

  issues that arise. Like tonight with the air
- 6 quality issue that came out.
- Without a reasonable review period to

  allow all this data to be analyzed, not the least

  of these is the issue of the zoning compliance

  that you brought up earlier. As it's now written,

  the Palm Springs general plan and the annexation

  EIR report discouraged the construction of fossil

  fueled plants in the City of Palm Springs.
- Also in the Palm Springs general plan is
  the policy, general plan policy that does not do
  credit exchanges for air pollution credits. And
  that's in their general plan policy.
- 18 So those things need to be looked at.
- They will be looked at by the City of Palm Springs
  Town Council on Wednesday.
- 21 My contention is that you can't change
- the general plan with an ordinance amendment. You
- have to do a general plan amendment first. And
- also, Bob, you're not allowed to use sodium
- 25 chloride for street salt anymore in California.

```
1 You have to send it to Michigan or something.
```

- Other than that, that's all I had to
- 3 say. This thing needs to have a full EIR in order
- for it to be right. You need to reverse that
- 5 decision again. Thank you.
- 6 PRESIDING MEMBER PERNELL: Thank you.
- 7 HEARING OFFICER GEFTER: I did want to
- 8 clarify the basis under which this application was
- 9 filed. It actually was not filed under an
- 10 emergency order and executive order.
- 11 It was filed under a statute which is a
- new statute, but it went into effect a couple
- 13 years ago, I believe, 2000, or was it 1999, 2000.
- 14 It was section 25552 of the Public
- 15 Resources Code, and allows for an expedited
- 16 process for simple cycle power plants such as this
- one. So this is a statute under which this
- 18 project has been submitted.
- 19 And we're dealing with not a 21-day
- 20 process.
- 21 MR. CARROLL: If I may, Ms. Gefter, I'd
- 22 also just like to point out this project is going
- 23 through full environmental review under the
- 24 California Environmental Quality Act. There is no
- 25 exemption from CEQA review for projects that

```
1 proceed on the four-month track.
```

- 2 So, a complete EIR equivalent document
  3 has been prepared and submitted to the Energy
- 4 Commission. So there are no shortcuts of
- 5 environmental review under CEQA for this project.
- 6 MR. COVEY: That's true, however it's
- 7 just the fast track process that, you know, we
- 8 didn't even know it was happening until it was too
- 9 late. None of us have had a chance to put our
- 10 ducks in a row. You guys have had two, three,
- 11 four years to do that.
- 12 And I contend that this was not a simple
- cycle plant until after AB-2556, it was after that
- 14 bill was passed. Before that it was a full blown,
- 900 megawatt plant. So they've scaled back the
- project to skirt the EIR issue, and that's not
- 17 fair.
- 18 HEARING OFFICER GEFTER: Okay, the
- 19 applicant did indicate that they originally
- 20 planned a combined cycle project prior to the
- 21 adoption of this law. And they went through that.
- But we're still trying to do an environmental
- review, as Mr. Carroll indicated, and that's the
- 24 purpose of these hearings.
- 25 And we are sympathetic to your concerns

1	about the expedited nature of the process, and
2	we're trying to involve the public as much as we
3	can, and to get your comments, and to have staff
4	respond, and ask the applicant to provide
5	additional information.
6	We hope that you will continue to be
7	involved and ask questions, and contact both our
8	staff and the applicant, and try to get your
9	questions answered.
10	Right now I also have a number of cards
11	remaining. John Cotten.
12	MR. COTTEN: John Cotten, C-o-t-t-e-n.
13	I'm a neighbor to this facility, also. I guess I
14	needed to rewrite my speech because I was under
15	the impression there was a fast track process due
16	to the state of emergency deemed by the Governor.
17	Obviously the statute that you had mentioned
18	changed my opinion on that.
19	But my concerns are what's being
20	overlooked in this four-month process. Could it
21	be the disregard for the impact on the environment
22	or the public safety with this plant's proximity
23	to an earthquake fault line, with a natural gas
24	pipeline to the south of the project, and a
25	wastewater treatment pond to the north of it. I

```
mean this fault line splits this property. You
 1
 2
         can see right here on the map that they didn't
 3
         tell us earlier, the fault line's going to cut
 4
        right between the power plant and the retention
 5
        pond.
                   Whereas with the air quality, with tons
 6
 7
         of toxins being dumped into the air each year, I
        mean how many of those tons are going to land on
 8
9
         the children that I have living 330 feet from this
10
        process, or how many are going to go into their
         lungs? None of that's being taken into
11
         consideration for my children's aspect of it, I
12
13
        don't feel.
                   This fast track process in scheduling
14
15
         seems to me to be a giant loophole for a plant of
16
         this magnitude to go on line with not enough
         foresight, than plans that will go through in a
17
         12-month process.
18
```

And another concern I raised earlier,
that I listened to was if you cover this pond with
a netting or any of that type of stuff, won't it
hinder the evaporation process? And, once again,
with the migratory birds and all that type of
stuff, if you cover the water, how does the

evaporation process handle or go on there?

1	HEARING OFFICER GEFTER: Can you answer
2	that question real quickly?
3	MR. KNOWLTON: This is Anne Knowlton,
4	again. That's why I said that we're looking at
5	design. We haven't selected a design yet for the
6	cover. So we're going to research so that we
7	select the most appropriate cover for the
8	evaporation pond.
9	MR. COTTEN: Okay, yeah, that's the
10	thing I was worried, if you did cover it that the
11	evaporation process would be hindered.
12	And then in hopes of not having to go to
13	a larger evaporation pond.
14	HEARING OFFICER GEFTER: I also wanted
15	to ask the applicant, the concern about the
16	seismic zone for this project, and the existence
17	of the fault, this issue keeps appearing. And I
18	wonder if you can answer the questions regarding
19	earthquake susceptibility at the site?
20	MR. HREN: I can start answering that,
21	but it's not my field of expertise. But I can say
22	that obviously the fault was a concern of ours
23	from the very beginning.
24	As a result of the location of the fault
25	we did extensive geologic analysis including

1	digging trenches to expose the subsurface
2	faulting. We did find the faulting activity where
3	it was expected to be. And the purpose of the
4	trenching was to verify that there was actually no
5	faulting below the locations that we were planning
6	to put our power plant facility and the
7	evaporation pond.
8	That trenching was observed by, you
9	know, quite a few trained professional geologists
10	and so forth. They all concurred in the results
11	of that analysis that fixed the location of the
12	fault line.
13	And as far as the seismic accelerations,
14	we are designing for the higher acceleration due
15	to the closeness to that fault line, and all of
16	the equipment that is subject to accelerations
17	will be designed for that, to avoid injury to
18	human, you know, workers and such on the site.
19	HEARING OFFICER GEFTER: What about
20	stability for the underground gas pipeline?
21	MR. HREN: Yeah, the routing that we
22	have for the pipeline actually does not cross the

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in accordance with all the parameters.

fault line. And so, I mean it's proximity, it is

close to the fault line, and it will be designed

23

24

1	But it physically does not cross the
2	fault line, thus, you know, major movement in that
3	line would be avoided.
4	HEARING OFFICER GEFTER: Has the
5	applicant looked at consequences of earthquakes or
6	other gas pipelines in California? What were the
7	results where gas pipelines were implicated in
8	earthquake, seismic movement?
9	MR. HREN: The pipeline extension will
10	be designed and constructed by SoCalGas Company.
11	And they will have all their expertise; they
12	criss-cross the southern California area with gas
13	pipelines, crossing fault lines and so forth.
14	So when they design that they will take
15	all of that into consideration.
16	MR. COTTEN: My major concern was the
17	proximity. I mean we're talking if you look, I
18	guess there's a state regulation saying that they
19	can't put this plant within 100 feet of a major
20	fault line. And we're dealing in feet here; we're
21	talking not 100, but maybe 235, 250, as stated in
22	the application for certification. That's my
23	major concern, is we're not dealing in half a mile
24	or kilometers, we're dealing in feet, I mean feet

25

and inches.

1	HEARING OFFICER GEFTER: What I would
2	suggest is for you to meet with the applicant
3	after the hearing, or at some other, you know, off
4	the record, and you can discuss the details with
5	them.
6	MR. COTTEN: Okay.
7	HEARING OFFICER GEFTER: Perhaps they
8	can, you know, give you some information or obtain
9	the information for you.
10	MR. COTTEN: Okay, as to how close.
11	Okay, thank you very much.
12	HEARING OFFICER GEFTER: Thank you.
13	PRESIDING MEMBER PERNELL: Thank you.
14	MR. HREN: I would like to just add
15	that, if I may, that we, as the applicant, have
16	invited the neighbors in and around this proposed
17	facility, both to the west and to the east and to
18	the south, to come to informational hearings. And
19	we're available for further consultation and
20	discussion, so we welcome that opportunity to
21	continue that dialogue.
22	HEARING OFFICER GEFTER: And you provide
23	your phone numbers and email addresses to some of
24	the to the interested community.
25	MR. HREN: We have done that. We'll

```
1
        give you business cards and --
                  MR. COTTEN: Yeah, I was made aware of
 2
 3
        it on July 5th, unfortunately. And like I said, I
        go down to the local library to read the
 4
 5
        application for certification. And if you look at
 6
        the four-inch ring binders that you have, I don't
 7
        read that fast. If there's some way that I could,
        you know, get that information at home, it would
9
        be greatly appreciated.
10
                  HEARING OFFICER GEFTER: Like I said,
11
        you can contact them after we close the hearing
        and arrange a way for you to get the information
12
13
        that you need.
14
                  MR. COTTEN: Okay.
15
                  PRESIDING MEMBER PERNELL: Thank you.
                  HEARING OFFICER GEFTER: I'm going to
16
        move on now to Barbara Grumbine. Yes.
17
                  MS. MENDONCA: She was here through most
18
        of the hearing, but left. She left me with her
19
20
        statement:
21
             My name is Barbara Grumbine." And she gives
22
             her address on Smoke Tree. "I live 350 feet
23
             from the 160-acre parcel on which this
24
             project is to be located." And then she
```

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25

provided some postcards that she would like

1	to pass out. "Palm Springs depends on its
2	seasonal residents and on tourism, on its
3	clear skies and breathtaking views. The
4	Ocotillo Energy project at the location
5	proposed will have a significant visual
6	impact. The site is visible from scenic
7	byway 62 and interstate 10. The project is
8	54 acres with a 15-acre evaporation basin.
9	There is no way to hide something of this
10	size."
11	"The project will be a significant source
12	of air pollution. On days when we have no
13	wind we have visible smog in our valley now.
14	This view is not a marketable commodity. We
15	must consider that Joshua National Park,
16	Indian Canyons, Big Morango Basin, the Salton
17	Sea and the Santa Rosa National Monument are
18	all directly affected by this project."
19	"The area was zoned for alternative energy
20	for a reason. Changing the zoning and
21	allowing this project will be detrimental to
22	everything we should be trying to protect.
23	Further, this project will bring a
24	significant quantity of sodium bichloride, a
25	buried pipeline of treated wastewater from

1	Mission Springs, phase two, and a major
2	gasline within feet of the Banning Fault."
3	"Before anything of this magnitude is
4	undertaken complete environmental impact
5	studies must be done encompassing the entire
6	two-phase project to determine how
7	devastating the effects will be. I do not
8	feel that Palm Springs is an appropriate
9	place for this project. We must protect the
10	gateway to the desert in order to protect
11	this uniquely beautiful valley and
12	surrounding lands."
13	"Finally, you have seen the site and some
14	say there is nothing out here. Ladies and
15	gentlemen, that's the point. Thank you."
16	HEARING OFFICER GEFTER: Thank you, Ms.
17	Mendonca, for reading that to us. And I did want
18	to tell the people who are still in the audience,
19	the postcards that she gave us were postcards of
20	Palm Springs to show us how beautiful the area is
21	The next speaker is Shari Joseph. Is
22	Shari Joseph here?
23	MS. MENDONCA: I have several comment
24	cards from people that were not able to stay.
25	PRESIDING MEMBER PERNELL: Can we get

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1 Ms. Joseph first?
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- 2 HEARING OFFICER GEFTER: Well, Ms.
- Joseph is -- she's here.
- 4 MS. MENDONCA: She's here? Oh.
- 5 HEARING OFFICER GEFTER: No, go ahead.
- 6 Yes. And please spell your first name and last
- 7 name for us.
- 8 MS. JOSEPH: Okay, S-h-a-r-i, last name,
- 9 J-o-s-e-p-h. And you're going to have to forgive
- 10 me, I am really nervous, I'm not used to speaking
- in front of people and I'm terrible at it.
- I came here because I'm really upset
- 13 about this. And I had to overcome my fear of
- 14 speaking to do this, so I hope you at least can
- 15 appreciate that.
- I moved here ten years ago to escape the
- 17 smog. And in that ten years the air quality here
- has been deteriorating every year inch by inch.
- 19 I'm in disbelief that anyone would consider
- 20 putting a power plant here. I mean if you don't
- 21 want to consider me, fine. But please consider
- there's a huge elderly population here. A very
- large percentage of elderly people do live here.
- 24 And they are going to have to breathe what comes
- out of that plant.

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1 The Park Service told you what the
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- 2 possible repercussions were as far as smog goes.
- Well, this is the second plant, and as I
- 4 understand there are three more supposed to come
- on line. What in the world is that going to do to
- 6 our air quality?
- 7 This, to me, is absolutely unacceptable.
- 8 So, anyway, I'll just leave on that note. And I
- 9 just hope that you seriously consider that many of
- 10 you may not live here, we live here. We have to
- 11 accept your decision. And we have to accept it
- 12 every single day.
- That's all I'd like to say, thank you.
- 14 (Applause.)
- 15 HEARING OFFICER GEFTER: Thank you very
- 16 much. I --
- 17 PRESIDING MEMBER PERNELL: Ms. Joseph,
- 18 Ms. Joseph, --
- MS. JOSEPH: Yes, sir?
- 20 PRESIDING MEMBER PERNELL: You did a
- 21 great job.
- 22 (Laughter.)
- MS. JOSEPH: Thank you.
- 24 HEARING OFFICER GEFTER: Yes, you did.
- MS. JOSEPH: Thank you.

1	HEARING OFFICER GEFTER: Thank you, and
2	you were very clear. We got your message. And I
3	have a question for the applicant now based on
4	your comments.
5	We've heard from many speakers about
6	additional power plants being sited in the Palm
7	Springs area. Have you found out which power
8	plants these speakers are referring to, and can
9	you identify them for us? And if you don't have
10	the information tonight, can you get that
11	information?
12	MR. CARROLL: We have not identified
13	those additional power plants, and we have heard
14	the comments, as well. We've been struggling to
15	find out which power plants those references are
16	to. So we will continue to try to find the answer
17	to that question, but we would really appreciate
18	if anyone can give us a list of the plants that
19	they are speaking of. That would help us.
20	HEARING OFFICER GEFTER: Does staff have
21	any information to enlighten us on the additional
22	power plants in the area?
23	MR. PRYOR: The first I heard of the six
24	plants was in the National Park Service email.
25	And that took me by surprise. I knew about the,

1	there's some talk of the Torres-Martinez, and
2	that's down towards the Salton Sea, correct? The
3	Indigo, and when I queried the NPS people earlier
4	tonight, on what the six were, they weren't
5	exactly sure, other than those two, and perhaps
6	Blythe. And Blythe is quite a ways from us.
7	So I've asked them to provide us with
8	the list of six, and any others they may be
9	concerned with. And when I get that I'll docket
10	it.
11	HEARING OFFICER GEFTER: Okay. Somebody
12	handed me a newspaper article from The Desert Sun,
13	dated July 7th, which lists a few power plants
14	we're not familiar with.
15	In addition to the Indigo and the
16	proposed plant that we're here tonight for, the
17	one on the Torres-Martinez Reservation, and then
18	another one on the Cabazon Band of Mission Indians
19	near Mecca. Is that one that someone's familiar
20	with? And that one is proposed to be 500, 600
21	megawatts.
22	But this information comes from a
23	newspaper article, and I will, you know, we don't
24	know how accurate this information is, or whether
25	these are the plants that the speakers are

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1 referring to. But I will give this to staff, and
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- 2 have you look for it.
- MR. PRYOR: I'm glad you mentioned that,
- 4 Ms. Gefter, I don't know what I was thinking now.
- 5 That was provided to me by Mr. Gilbreath in a fax.
- 6 So that may have actually come before the NPS
- 7 information.
- 8 But I did look at it, and I've asked our
- 9 land use people to see if they can find power
- 10 plants that are less than 50 megawatts in the area
- 11 that may be proposed in the future, because that
- 12 wouldn't come under our purview.
- 13 HEARING OFFICER GEFTER: Okay. Well,
- 14 let's -- I'm asking the staff and the applicant to
- 15 provide us with a list of the power plants
- proposed in the area, because again, we would
- 17 require a cumulative impact analysis if these
- power plants are within the radius of impact.
- 19 Also, we have additional speakers. Mr.
- 20 Hitchcock, Ralph Hitchcock.
- 21 MR. HITCHCOCK: Ralph Hitchcock,
- 22 R-a-l-p-h H-i-t-c-h-c-o-c-k. I'm here this
- 23 evening as the President of the Palm Springs
- 24 Economic Development Corporation. Additionally I
- 25 previously spent 35 years with the Southern

1	California Edison Company. Currently a utility
2	consultant on this project and a number of others
3	are clients. But again, my role here this evening
4	is as President of the Palm Springs Economic
5	Development Corporation.
6	Our group was formed to address issues
7	and projects that support or enhance the economic
8	development of the area, expressing a concern for
9	a balanced local economy, because, in fact, the
10	traditional economy here has been what we all
11	recognize as the tourist industry.
12	We talked earlier, or one of the
13	comments by Mr. Pryor was regarding the health and
14	safety of the community. Well, we're concerned
15	about the health and safety of the business
16	community. And that seems to be relatively under-
17	represented this evening.
18	Power reliability is first a key issue
19	for that industry, both for the existing
20	businesses and industry in the area, and for
21	economic development programs to attract new
22	business industry to the area.
23	In fact, this year for the first time
24	I grew up in the area, I can't call myself a
25	native. I moved here at the ripe old age of three

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weeks, and by the gray hair you know I've been
around for awhile.
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I remember the time not too many years

ago when virtually many of the communities were

closed in the summer months. In the last 10 or 15

years it's been a very healthy viable economy.

Well, for the first time and dating back to those early years we have hotels closing because they have business that's being canceled because of the lack of reliability for the electrical service system in this area, as well as the entire State of California.

So, clearly there is a need to support new power resources. There's a discussion, it's reported in the papers, and the suggestion that there's been a wonderful amount of conservation that has reduced the power needs in the state.

Well, believe me, in my 35 years with the Edison Company and having seen a number of critical issues face us and the responsiveness of the citizens of this area and throughout the state to address those issues, yes, there can be an immediate response and a reduction of power. But clearly, as soon as the state gets hot for several days on end, the conservation goes out the window

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and the air conditioners come on, and we're back
in a peak period of time.
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So I would suggest that from a

4 conservation, yes, there may be a little bit of

5 equipment change for more efficiency, but as soon

6 as the temperatures get hot, we're going to need

7 every bit of generating equipment in the state

8 that we can get.

Another issue for the business and industry economy, and again for the current customers particularly, is power cost. I have a client locally who's an industrial customer just east of the airport, who has several businesses, buildings in that area, small and medium sized accounts. Their power costs have increased 70 to 100 percent over last year, same usage. When residential customers have seen zero or minimal increases, clearly the cost of the current problems have been put on the back of the business and industrial customers.

I have another client who reduced their demand or their consumption by 20 percent, and still saw a 50 percent increase in their bill.

24 Economic development can't work when you 25 have your hands tied behind your back for

1	reliability of service, and when we're talking
2	about power costs that are reaching in the 15 to
3	18 and 19 cents per kilowatt hour range.
4	We do need power plants. We do need
5	resources to provide reliability and competitive
6	power costs in the area. Therefore, again,
7	representing the Palm Springs Economic Development
8	Corporation, and quite interested in the health
9	and welfare of our business economy, because that
10	that's important for the Palm Springs is important
11	for the Valley, as it is important for the state.
12	And these issues are dramatic, and if
13	not addressed in an appropriate fashion, are going
14	to adversely affect all of our lives at home as
15	well as they do at our businesses.
16	So we request that you continue the
17	accelerated permit processing period because all
18	of the appropriate environmental and other
19	construction issues have been addressed. And we
20	think that you should do your part to help put
21	this plant on line as quickly as we can.
22	Thank you.
23	PRESIDING MEMBER PERNELL: Thank you,

25 HEARING OFFICER GEFTER: Mr. Daryl

Mr. Hitchcock.

```
1 Gilbreath.
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- 2 MR. GILBREATH: My name is Daryl, that's
- 3 D-a-r-y-1, last name Gilbreath,
- 4 G-i-l-b-r-e-a-t-h. I think the first thing I
- 5 should do is to figure out the microphone
- 6 situation here. Is this thing adjustable upwards?
- 7 (Pause.)
- 8 MR. GILBREATH: First of all, as I look
- 9 behind me, a lot of the remarks I'm going to be
- 10 making are directed to the people behind me.
- I don't think there's nearly enough
- 12 citizen involvement in this process. You know,
- 13 you can say, well, you know, we've had articles in
- the paper for perhaps two months. But in terms of
- the actual specifics of when this meeting would
- be, the date, the time, the place and so forth, I
- think it's totally inadequate.
- In fact, I would make a bet, which I
- 19 cannot prove, but I would make a bet that if I
- 20 went and conducted a survey among just, you know,
- 21 average people, if I went to various grocery
- 22 stores here in the Coachella Valley, that I doubt
- that one person in ten would be aware of the fact
- that this major plant is on its way to within a
- 25 month or two of -- or three months, whatever it

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is, of being approved.
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- 2 And that this thing is going to put out
- 3 tons of pollutants, from what I hear from our
- friends at the U.S. Forest Service. You're
- 5 talking 900 kW, as I understand it, and please
- 6 correct me if I'm wrong, that's enough electricity
- for what, approximately what, six-, seven-, eight-
- 8 nine hundred thousand people? Would that be
- 9 correct?
- 10 MR. HREN: That would be approximately
- 11 correct.
- 12 MR. GILBREATH: Okay. So now we're
- 13 talking about producing enough electricity for
- 14 six-, seven-, eight-hundred thousand people. This
- valley has approximately 280,000 people.
- Therefore, you're going to be producing far more
- 17 electricity than we use in this valley, number
- 18 one.
- Number two, we already have a windmill
- 20 system that's producing, I believe, I don't know
- 21 whether it's half or three-quarters of our current
- 22 requirements. That's certainly a large portion of
- 23 our requirements.
- In addition to that, and I'm appalled by
- 25 the fact that even after having sent a fax to

```
1
        Mr. Pryor that there doesn't seem to be much
 2
         followup in terms of identifying whether or not
 3
         there are these other power plants that are
 4
        proposed to be built.
 5
                   Now, Mr. Pryor made the remark to me
         that he has not seen the applications. Well,
 6
 7
         there may be a very good reason for that.
        reason may be that several of these power plants
9
         are proposed on Indian reservations. And as I
10
         understand it, and I'm not a lawyer, but as I
         understand it, Indian reservations are considered
11
         sovereign territory, sovereign land. That's the
12
13
        reason they can have these casinos and so forth,
14
         is that they do not have to answer to a variety of
15
         state and local laws that the rest of us have to
         answer to. In fact, I'm not even sure that they
16
17
         have to answer to some of the federal laws.
                   To make a long story short, according to
18
         our local newspaper, and I wouldn't vouch that
19
20
         they are absolutely correct, but for the sake of
21
         discussion, they are claiming that in addition to
22
         Indigo, and in addition to, and I want to
23
         underscore the word proposed, Ocotillo plant, I do
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not consider this a done deal, that they are also

proposing for this valley three additional plants

24

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1	which they indicate in the newspaper article have
2	a combined capacity of over 2,300 megawatts.
3	Now using the same math that I referred
4	to before, that would indicate the capability of
5	producing enough electricity for approximately
6	upwards of 2 million people. Am I correct?
7	MR. HREN: I'm glad you asked me. May I
8	respond? I'm glad you asked if you're correct.
9	And actually, average basis for the state that
10	might be the correct number. But, the average
11	consumption of electricity in the Coachella Valley
12	is significantly higher than the average in the
13	state, significantly higher than the coastal
14	regions.
15	I don't have the exact numbers, but
16	because of the high temperatures and the air
17	conditioning here
18	MR. GILBREATH: Right, I understand.
19	MR. HREN: the math just doesn't work
20	on those average numbers.
21	MR. GILBREATH: Okay, let me, let me
22	reframe it so we can get a better grip on this.
23	Let me reframe this.

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24

25

If this is built, and there's no, you

know, we're not sure that this will be built, and

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1 I'm not even sure this article is right, but if
```

- they build a total of 2,300 megawatts, would it be
- 3 fair to say that that's enough electricity for
- 4 well over a million people?
- 5 MR. HREN: Well, I guess it depends upon
- 6 the consumption. But, you know, we've had trouble
- 7 identifying those power plants, as well. And if I
- 8 could make a little bit of a statement, I don't
- 9 want to get into a debate here or anything --
- 10 PRESIDING MEMBER PERNELL: Right, and I
- don't want to allow it, it's getting a little
- 12 late. And I don't know who they are. You're
- saying if they build, who is that?
- MR. GILBREATH: Well, I sent this
- 15 article to Mr. Pryor -- how long ago was it, Mr.
- 16 Pryor?
- 17 PRESIDING MEMBER PERNELL: I know, but,
- 18 sir, --
- MR. GILBREATH: How many phone calls
- 20 have to be made to determine this kind of
- 21 information? All you've got to do is call up the
- 22 reservations and ask them.
- 23 PRESIDING MEMBER PERNELL: Well, let
- me -- may I respond?
- MR. GILBREATH: You certainly may.

1	PRESIDING MEMBER PERNELL: Mr. Pryor
2	works for the California Energy Commission. We
3	have a lot of plants. And if every staff person
4	responded to a newspaper article that they got,
5	our staff wouldn't be licensing plants, they'd be
6	responding to newspaper articles.
7	My question to you is who is they in the
8	article that are saying that they're going to
9	build 1000-and-some megawatts?
10	MR. GILBREATH: Okay, let's take it from
11	the top. Let's see, there's one here called the,
12	and I cannot pronounce this word because it's an
13	Indian word, the Tiama Energy Center on the
14	Torres-Martinez Band of Coweha Indian Reservation.
15	This is in Thermal, which is on the north end of
16	the Coachella Valley, perhaps 25, 30 miles from
17	here. A 600 megawatt plant
18	PRESIDING MEMBER PERNELL: Okay, now let
19	me stop you there. If that hasn't come to us,
20	even though we don't have jurisdiction on Indian
21	land, the linear facilities that are running off
22	of that land, the natural gas pipeline and the
23	transmission wires, we do have jurisdiction over,
24	or someone in the state has jurisdiction over.
25	So, until there is some indication to us

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1 that this is indeed happening, all it is is a
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- 2 newspaper article.
- 3 MR. GILBREATH: Okay. All it is is a
- 4 newspaper article, but don't you think that this
- 5 is extremely significant when this article is
- 6 stating, it's being very specific. It says 600
- 7 megawatts from one facility, 600 megawatts from
- 8 another facility, 120 megawatts from another
- 9 facility. How much effort does it take to pick up
- 10 the telephone and call these Indian reservations
- and ask them for their contact people?
- MR. O'BRIEN: Mr. Gilbreath, --
- MR. GILBREATH: Yes.
- MR. O'BRIEN: -- let me make a couple of
- 15 comments in terms of --
- MR. GILBREATH: Surely.
- 17 MR. O'BRIEN: -- the points that you're
- 18 raising. First of all, in terms of the type of
- 19 analysis the Energy Commission has to perform, we
- 20 have an obligation to do a cumulative impact
- 21 analysis under the California Environmental
- 22 Quality Act.
- Now, we have to make a determination, I
- 24 believe it's legally -- there's a legal
- 25 requirement regarding other projects that we have

to look at. And you have to look at are they just proposed projects that somebody has mentioned, are they in the permitting and review process, et cetera.

Earlier this evening the National Park
Service made some comments about other projects.
We have an obligation, under the law, to make a
determination as to whether those projects exist,
and what permitting phase they might be in.

And based upon that we're going to have to include those projects in our analysis and review of this project, okay? And we will do that.

Secondly, regarding the other point you seem to be making, is that there's no obligation that this agency has regarding whether or not one part of the state happens to be a net energy exporter or a net energy importer.

Now, it is true that the State of
California does benefit when power plants are
located near the load sources. And if you look at
how the California electricity system was built
and operates, originally this state, you had the
independently owned utilities like Southern
California Edison.

1	Many of those plants that they built and
2	subsequently divested are located in the Los
3	Angeles Basin. And the system operates more
4	effectively when, in fact, you have power plants
5	located near the load source.
6	But it's also true that California gets
7	a lot of its electricity from distant sources.
8	Some of those sources located outside of the State
9	of California, and we benefit from that.
10	The point I'm trying to make is that
11	whether or not the Coachella Valley uses 200
12	megawatts of electricity or 1000 megawatts of
13	electricity, there's nothing that's inherently bad
14	about more projects being located in an area than
15	that area consumes.
16	We have to, when we license projects,
17	make sure that there's overall reliability in the
18	state, and no project that is brought on line is
19	going to jeopardize the reliability of the system,
20	itself.
21	We also have an obligation to insure
22	that any project proposed in the state meets all
23	environmental rules and regulations. And that the
24	impacts of that project do not cause significant
25	adverse impacts, not only to the area in which the

1	project is legated but also areas outside of
	project is located, but also areas outside of
2	that. For example, downwind impacts from air
3	pollution, okay?
4	But whether or not there's, you know,
5	this project is going to exceed the amount of
6	electricity that the Coachella Valley needs is not
7	a germane issue to our analysis.
8	MR. GILBREATH: Well, that may be your
9	viewpoint, but I doubt that that would be the
10	viewpoint of the people that are behind me.
11	Because if you lived in this area and you realize
12	that they were trying to produce electricity for
13	at least a million people, and this valley only
14	had 280,000 people, plus we're slated to go to
15	550,000 people in 20 years, which means more cars,
16	more everything else, it's just one layer of
17	pollution after another.
18	So, from your viewpoint, maybe from the
19	Sacramento viewpoint, I understand what you're
20	saying. But from the people behind me, I think
21	you may have a different viewpoint.
22	Incidentally, I'd like to quickly
23	comment that, and I appreciate your remarks, but I
24	don't want them to be chalked up to my time.
25	Another thing I'm quite concerned about
	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

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is this: And I raised this issue with Mr. Pryor.
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- 2 I'm quite concerned with the idea of combustion
- 3 humidity. There's two types of -- there's water
- 4 going into this plant, but there's water that's
- 5 coming out of this plant. And a lot of the water
- 6 that's going to be coming out of this plant, I
- 7 believe, and I'm not sure, because I'm not in this
- 8 field.
- 9 But I know this, that when you burn
- 10 methane, which is the primary ingredient of
- 11 natural gas, you end up with hopefully carbon
- 12 dioxide and H2O, which is water. And when it's
- hot, it's steam. And that's what we in this
- 14 valley call humidity.
- I had the opportunity of talking to the
- lady from the South Coast Air Quality Management
- 17 District, and I asked her specifically, do you, as
- 18 part of your analysis, have you taken into
- 19 consideration the impact that this may have in
- 20 terms of elevated humidity levels. And she said
- 21 no. Okay.
- Now, in this valley humidity is a great
- 23 great concern. And if you don't think it is, try
- standing in one of our streets when we have 115
- degrees in July and August, not today, but we do

1	have those kind of temperatures, if that humidity
2	goes up it is miserable. If you've ever been in
3	places like Houston or New Orleans or whatever.
4	Now, I don't know whether this a
5	realistic situation or not, but the point is I
6	talked to her, I talked to Mr. Pryor, and I talked
7	to a gentleman behind me by the name of Walters,
8	who also, as he stood there talking to me, could
9	not give me specific figures. He said he did not
10	believe it was going to be a significant issue,
11	but here, again, we the public are coming here to
12	learn. And yet you folks don't seem to have your
13	ducks in order. And I think that's terrible,
14	really terrible.
15	One other comment I'd like to make. And
16	that is that I feel that the State of California
17	has given us this problem. This all started a few
18	years ago, two or three years ago, and I'll make
19	this quick, I know this is political, but I think
20	as a citizen I deserve a little time on this.
21	You guys rushed, and when I say you
22	guys, I realize that some of the politicians have
23	changed, but many of the people that are part of
24	the California Energy Commission, many of the
25	people who are in the I don't know what you call

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it, staff, bureaucrats, whatever, many of you are
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- the same people.
- Now, because of that rush and
- deregulation that's why we're here tonight. Now
- 5 you're saying, trust us, trust us, we're going to
- do something else in a rush. And I say I'm not
- 7 buying it. I don't believe it. I don't trust
- 8 you.
- 9 And I don't say that on a personal
- 10 level. You know, in fact, I had a very delightful
- 11 discussion with Mr. Pryor; he's a fine gentleman
- 12 and everything. I'm saying that in terms of the
- issues, I do not trust you, I do not trust the
- 14 State of California.
- You've already made a mess of this
- deregulation thing, and I'd like to know why we
- 17 should start trusting you now.
- PRESIDING MEMBER PERNELL: Thank you
- 19 very much.
- 20 (Laughter.)
- 21 MR. GILBREATH: I didn't say I was
- through. If you're throwing me out, you're
- throwing me out.
- 24 PRESIDING MEMBER PERNELL: You have
- 25 something else to add?

```
1
                   MR. GILBREATH: Okay, I'll try and make
 2
         it very quickly.
 3
                   Okay, let's see where else we're at
                I mentioned the -- issue, I mentioned I
 4
        here.
 5
        don't trust the situation, that, and here, again,
 6
         I'd like to finish up by saying that -- I'll
 7
         finish up just by saying this:
 8
                   If I conducted that survey and I don't
9
        have any proof of this, but I'm going to bet money
10
         to chalk that there isn't one person in ten in
         this valley that understands the implication of
11
        what we're all about here tonight. This thing's
12
13
        all come up in the past two months.
                   We have a lot of people in this valley
14
         that have two homes. We have a lot of wealthy
15
        people that are not even here. We have another
16
17
        group of people who have their primary residence
         is here, but a lot of them are on vacation.
18
19
         People in this area take their vacations in July
         and August for very obvious reasons.
20
21
                   So my point is the public doesn't know
22
         what's going on, and you're getting ready to allow
23
        what appears to me to be very significant
24
        pollution to be going in this valley.
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One other quick question: How long is

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1 this plant going to last? Are we talking 20
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- years, 30 years, 40 years, 50 years? How long is
- 3 that plant going to last, please?
- 4 PRESIDING MEMBER PERNELL: We're talking
- 5 about phase one.
- 6 MR. HREN: Yeah, phase one will last
- 7 approximately 18 months before it's converted --
- 8 MR. GILBREATH: No, I want to get to
- 9 phase two.
- MR. HREN: Phase two --
- MR. GILBREATH: When the plant is
- 12 completely built, how long is that plant going to
- 13 operate? Twenty, 30, 40, 50, 60, 70 years? How
- 14 many?
- MR. HREN: My understanding, and, Mike,
- help me, is that when the license is a permit
- issued for a combined cycle facility that meets
- all of the criteria that no specific time period
- is specified for the duration of that power
- 20 facility. Either the staff of the Commission or
- 21 somebody else can correct me.
- MR. CARROLL: That's correct.
- MR. GILBREATH: So, --
- MR. O'BRIEN: Mr. Gilbreath, in terms if
- 25 we license this facility down the road as a

1 combined cycle, the Commission has not put
--

- 2 limitations on the amount of time that those
- 3 facilities can operate.
- 4 It's also true if you look historically
- 5 there are a lot of energy facilities in this state
- 6 that are 50 years old that are currently running.
- 7 And oftentimes the life cycle that the staff talks
- 8 about for these types of projects if 30 years.
- 9 So, it's not unrealistic to assume that
- 10 this project, or a number of other projects that
- 11 we have licensed in the past, may well be
- 12 operating 30 years from now.
- MR. GILBREATH: I think you just made my
- point. My point being that if there is a problem
- 15 with the licensure of this plant, once that plant
- is built, and I'm talking about both phases one
- and two, we are stuck with it for 20, 30, possibly
- 40, 50 or perhaps even more years as it goes on
- 19 and on and on.
- 20 Right now, everybody's very worried
- 21 about the energy crisis, which I think will pass
- in a matter of a year, possibly two. But we may
- 23 be looking at 40, 50 years of this other
- 24 situation.
- 25 Okay, finally I would like to say that I

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think that this whole process should go back to a
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- full, and I mean a full 12-month review. I don't
- 3 think the people in this valley know what's going
- 4 on, and I think the whole thing is absolutely
- 5 terrible.
- 6 Thank you for your attention and I would
- 7 also call for the people behind me that feel as I
- 8 do in opposing this plant, that we meet outside
- 9 later to organize, because I think that this thing
- 10 should be stopped.
- 11 Thank you very much.
- 12 PRESIDING MEMBER PERNELL: Thank you.
- 13 HEARING OFFICER GEFTER: Thank you. We
- 14 have two more speakers, Dr. Hans Petermann, and
- 15 after Dr. Petermann, I also have a card from Bud
- 16 Horowitz, if you're still here.
- So, Dr. Petermann.
- DR. PETERMANN: Yes. I would like to be
- 19 very brief at this point. I want to follow up
- 20 what Daryl has said. This plant will not be built
- 21 here in any way or form for the simple reason we
- have applied for a fusion plant to be built.
- Now, I know most of you know what fusion
- is all about. Fusion is a plant that uses water
- as a renewable source of energy very cheaply. The

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1 process is coming on line right now as we speak.
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- 2 I'm the President of Hot Technologies.
- 3 We are also working on cold fusion technology as
- 4 we speak. I'm a former Professor at the College
- of the Desert. And just talking a little bit
- 6 about what has been going on here, I'm extremely
- 7 appalled at the way this meeting has been run and
- 8 set up to railroad this project through.
- 9 I request a full environmental impact
- 10 report before you can proceed.
- 11 And another point I want to make is
- there should be additional hearings in the fall,
- in November or December, early December, to
- determine whether this project is viable or not.
- As far as I'm concerned it is not viable, and it
- 16 will not go here.
- Number one, fusion technology is the
- only answer. And it will be built this year. We
- 19 have been approved to build fusion power plants.
- 20 I'm not only talking about fusion power plants,
- 21 I'm only talking about also cold fusion.
- Now, cold fusion is a reality, folks.
- 23 Pons has developed a cold fusion technology plant
- in France. Now, cold fusion technology is real,
- 25 folks. You can look this up at the websites, and

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Pons has built a 10 kilowatt fuel cell which is
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- 2 now being mass manufactured in France, just as a
- 3 brief aside.
- Finally, I'd like to say one more thing.
- 5 To repeat myself, this project needs a full
- 6 environmental impact report study, and it should
- 7 be heard by November when everybody comes back
- 8 from wherever they may be, because many folks do
- 9 have two homes. And a lot of them are not present
- 10 at the same time here while we're speaking.
- 11 So I request another environmental
- 12 report study be done. And also I want to mention
- a full report, geological report, needs to be done
- as far as actually determining how close it is to
- 15 the fault line.
- Now the fault lines go very deep,
- 17 actually they go anywhere from about 12 to 30
- 18 miles. You have not done that. You have not done
- 19 your homework. So where are those indicators?
- 20 You have not proved those indicators here in any
- 21 way or form.
- 22 You know, this thing is being
- 23 railroaded. So like I said, I request another
- full environmental impact report study by November
- 25 to give other people a chance here in the area to

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determine what is going to happen here or not.
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- 2 Because we're not going to put up with this kind
- 3 of setup which the oil companies and the oil
- 4 companies, I mean they own Bechtel and these folks
- 5 here.
- 6 PRESIDING MEMBER PERNELL: Sir, --
- 7 HEARING OFFICER GEFTER: Okay, Dr.
- 8 Petermann, thank you, --
- 9 DR. PETERMANN: Okay, enough said.
- 10 HEARING OFFICER GEFTER: Thank you very
- 11 much.
- 12 DR. PETERMANN: I don't want to say any
- 13 more. I request another EIR as soon as possible.
- 14 PRESIDING MEMBER PERNELL: Thank you.
- 15 HEARING OFFICER GEFTER: Thank you. Mr.
- 16 Horowitz.
- MR. HOROWITZ: My name is Bud Horowitz,
- 18 H-o-r-o-w-i-t-z. My family owns the land
- immediately to the east of the proposed power
- 20 plant property.
- 21 And my question really concerns the size
- of the actual structures, and their effects on the
- 23 wind flow, since our property is currently leased
- 24 to a wind turbine company. So we're concerned
- with wind flow to our property, obviously.

1	And I haven't seen anything showing
2	actually the size and height of the structures and
3	how they'll affect the wind flow.
4	MR. HREN: The physical size of the
5	structures is included in the AFC, the application
6	for certification.
7	PRESIDING MEMBER PERNELL: And can you
8	tell him with the height is?
9	MR. HREN: If you'd like
10	PRESIDING MEMBER PERNELL: You've said
11	that once tonight, but perhaps you could tell him
12	what the height
13	MR. HOROWITZ: Well, he said something
14	about the height of the second phase generator,
15	which I think he said was 90 to 100 feet.
16	PRESIDING MEMBER PERNELL: Is that what
17	you're talking about?
18	MR. HOROWITZ: Well, I'm talking about
19	the phase one facility, as well.
20	PRESIDING MEMBER PERNELL: Oh, okay, I'm
21	sorry.
22	MR. HOROWITZ: The stacks and the actual
23	structures.
24	MR. HREN: Yeah, phase one, the tallest

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point is the stack; that's 80 feet tall. There's

1	another	stack	for	the	cooling	tower;	that	might	be

- 2 100 feet tall.
- 3 Other buildings and structures are all
- 4 defined in the AFC --
- 5 MR. HOROWITZ: And have there been any
- 6 studies done showing how that affects wind flow
- 7 going to the properties adjacent to it which have
- 8 wind turbines on them?
- 9 MS. HEREDIA: First of all, within the
- 10 AFC, and I'd be glad to --
- 11 PRESIDING MEMBER PERNELL: Would you
- 12 state your name, please?
- MS. HEREDIA: Oh, pardon me, Joan
- 14 Heredia. I'd be glad to spend a moment with you
- or so after the hearing to show you some of the
- information in the AFC.
- 17 But specifically there is within the
- 18 project description a significant structures list.
- 19 And in looking at that, which I'd be glad to share
- 20 with you, most of the equipment is on the order of
- 21 maybe 40 feet high at most, other than the stacks.
- 22 So I would speculate, but I don't want
- 23 to portray myself as a wind field expert, that
- 24 many of those wind turbines are higher. And as
- 25 such, may not be adversely impacted. But I --

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1 MR. HOROWITZ: Yeah, they're not the
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- 2 real newer models, so I'm not quite sure what the
- 3 exact height of them is.
- 4 MS. HEREDIA: Right, but I'd be glad to
- 5 share this with you, and we can enter into some
- 6 dialogue.
- 7 MR. HOROWITZ: Okay. And on a slightly
- 8 more off-topic note, you did mention earlier that
- 9 you had been in contact with the owners of the
- 10 property directly to the east of where your
- 11 project is proposed. And that they weren't
- 12 interested in leasing it, and we had never been
- 13 contacted. So, I don't know who you had spoken
- 14 with at that time.
- MR. HREN: Yeah, I could say that I did
- speak to one of the trustees of that property.
- 17 MR. HOROWITZ: The trustee would be the
- leaser (sic), not the owner.
- MR. HREN: Okay.
- 20 MR. HOROWITZ: But, okay, something I'll
- 21 talk to you later about that.
- MR. HREN: Okay, that's fine.
- 23 PRESIDING MEMBER PERNELL: Perhaps
- that's something you could do offline.
- MR. HOROWITZ: Sure, thank you.

1	HEARING	OFFICER	GEFTER:	Thank you.	And

- I have one more card from Fred Noble.
- 3 MR. NOBLE: Mr. Commissioner, Members of
- 4 the Staff, Applicant, audience, I'm Fred Noble,
- 5 N-o-b-l-e. I'm a property owner upon which this
- 6 project is proposed, at least proposed on my land.
- 7 And two or three items, just sort of housekeeping,
- 8 just some factual matters I wanted to bring to
- 9 your attention.
- 10 First of all, regarding Mr. Horowitz, we
- 11 are his tenant on windmills directly to the east
- of the project, and we have done studies to
- 13 determine whether this project would impact the
- 14 windmills. Because it would be kind of stupid to
- damage my own property by putting it there when we
- 16 could have put it somewhere else.
- 17 The reality is that because the stack is
- 18 round, it has very little impact on the wind,
- doesn't create turbulence. And we anticipate if
- any impact on the downwind machines, which are
- 21 some substantial distance away, at under 2 percent
- of their output. And that's probably not going to
- 23 happen. So Mr. Horowitz can rest assured his rent
- is secure.
- 25 I know, Commissioner, you're concerned

```
about windmills getting removed and that reducing
 1
 2
         the amount of wind energy available. There are
 3
         two groups of machines that will get removed.
 4
                   One is a group that's been under test
 5
        now for a year that's been always scheduled to go
         to Alaska. They're experimental machines designed
 6
 7
         for the theory being if they can survive it here
         they can survive it anywhere, as long as they add
9
        de-icers. So they were always planned to go to
10
        reservice in the outer villages in Alaska.
                   PRESIDING MEMBER PERNELL: So is there a
11
        name of that, or the amount or size of the
12
13
         turbine, or something that we can identify?
                   MR. NOBLE: Well, they're small; they're
14
15
         40 kilowatt turbines. They're very small.
                  PRESIDING MEMBER PERNELL: Forty
16
        kilowatts.
17
                  MR. NOBLE: And they're going to be
18
19
         going out to Eskimo villages and the like where
         they can offset diesel expense. It's kind of an
20
21
         interesting project.
                   The others that get moved will be moved
22
23
         to other parcels that we have where we have
24
        permits to move the machines. So that you're not
```

going to lose any windmills as a result of --

1	which I think is in the best interests of those
2	who favor clean air, maybe not good news to some
3	of the neighbors who would like to see them
4	leave. But that's what's going to happen.
5	In terms of the wind and the question
6	was asked about the direction of wind and duration
7	of wind. That's something that we do know, we've
8	studied very carefully.
9	The wind blows on that site 91 percent
10	of the year from the west; 5 percent of the year
11	from the east; and the balance of the time north
12	and south, and it just varies from time to time.
13	So, the great prevalence of wind is from
14	the west, and it brings, as we know, the smog down
15	from the City of Los Angeles. And many of the
16	complaints about air down here are caused by
17	plants running at the beach, which run with what,
18	50, 60 ppm of NOx. The ones that are exempt at
19	the old Edison plants. They're very very dirty
20	compared to anything that's being discussed here.
21	And I think that's a point that ought to
22	be made, that this plant is more efficient, and
23	will, in the long run, compete with and put out of

24

25

business plants which Edison got lobbied through

the Congress to be exempted from most of the

```
1 pollution controls some years ago.
```

- A mention was made of the fault. The
  fault's there. It's been tested; they trenched
  it. They dug a big hole on my property and they
  covered it up, which was good. And the fault
  passed muster.
- It also goes right under the Devers

  substation. And I think when Edison built that

  they probably gave a little thought to earthquake

  issues, as well. If that substation went down,

  the lights would go out in a lot of places west of

  us.
- With regard to the annexation of the
  general plan. The comment was made it was
  designed only for alternative energy. I worked on
  the annexation at great length. I understand what
  happened. The EI zone was created as part of the
  annexation of the City of Palm Springs. It's a
  zone that exists nowhere else in the world.
- 20 It is designed to allow for alternative 21 energy and the defined uses include in the 22 ordinance wind energy, solar, cogeneration, and 23 energy storage. Cogeneration, as we know, is a 24 matter of two bites at the energy apple. Whether 25 you have a laundry and you run a generator and you

```
make hot water out of the cooling jacket, and run
your laundry, make electricity with it.
```

Or whether you take the second bite of
the energy apple and not let the heat go up the
stack, which is what happens at El Segundo and
Huntington Beach and all the existing plants, and
you take that and make steam, and get the full
benefit of the energy. It's all the same thing.

So, Palm Springs has always recognized a

role for natural gas fired power plants in this
zone. And so comments to the contrary are
mistaken.

The nearest residence --

14 PRESIDING MEMBER PERNELL: So are you

suggesting that it's zoned properly now?

MR. NOBLE: The issue is, I think, an abundance of caution by the lawyers for the

19 PRESIDING MEMBER PERNELL: It's a matter

applicant. They want to get it clarified a bit.

of clarification.

10

11

12

18

21 MR. NOBLE: But the theory of the
22 annexation was that one day we would have
23 industrial and alternative energy, and as needed,
24 we would have natural gas fired combined cycle

25 cogen type devices. That was -- it's in the

```
general plan, and that was the arrangement.
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- 2 And then finally I had one other point,
- 3 but I won't bore you if I can't find it here.
- 4 Yes, the nearest home. The nearest home to the
- 5 plant is in excess of 1875 feet. We've heard a
- 6 couple comments about being 330 feet away. And I
- 7 think that may be true, 330 feet from the border
- 8 of the 160-acre square. But from the border of
- 9 the plant, as you see on the wall, the ground
- 10 island or the lake or pond, as you will, the
- 11 nearest home is in excess of 1875 feet. Because
- 12 that's how far it is to the center line of Diablo
- 13 Road along the western border.
- 14 There is one exception to that. There
- is a caretakers house just to the north, and the
- fellow's worked for us for years. And we've
- 17 purchased him a new house some distance away.
- So those are items of clarification.
- 19 Thank you all very much for your time.
- 20 PRESIDING MEMBER PERNELL: Thank you,
- 21 Mr. Noble. I appreciate you coming up to address
- 22 my concern about displacement of renewable energy.
- 23 But I understand that, as you said, why would you
- get rid of a good turbine.
- MR. NOBLE: Well, the one's going to

1	Alaska are very interesting because they're going
2	to offset we think we have it bad here at 20
3	cents a kilowatt. Up in the villages they're
4	paying 60 and 70 cents for diesel power. And
5	these machines are designed specifically for the
6	cold weather and the really terribly windy areas
7	they have. So it's going to be kind of fun to see
8	how they operate when they get up there. We're
9	looking for a success in that regard.
10	PRESIDING MEMBER PERNELL: Thank you.
11	HEARING OFFICER GEFTER: All right.
12	PRESIDING MEMBER PERNELL: Okay, is
13	there anyone else from the public that Roberta
14	has some statement you want to read?
15	MS. MENDONCA: I was paged earlier today
16	by Janice Hauck, H-a-u-c-k, who has owned vacant
17	land between Indian Avenue and Little Morango
18	Road, so she's close to Ocotillo, and a half a
19	mile west of Desert Hot Springs.
20	Her concern that she would bring up if
21	she could have been here tonight was it's her
22	understanding that the facility will be using
23	underground water. And therefore she opposes it.
24	She thinks that the underground aquifer
25	more properly belongs to the homeowners, and it's

```
1 not right for the facility to siphon off the
```

- water. And even though there's an energy crisis,
- 3 she thinks it's not fair.
- And, of course, I'll put her on the
- 5 project mailing list.
- I also got some public comment forms
- 7 which I will docket and make sure that staff gets
- 8 from Anthony Bond, B-o-n-d; Stella Niemile,
- 9 N-i-e-m-i-l-e; from Teresa Malaki, M-a-l-a-k-i;
- 10 from Catherine Enbody, E-n-b-o-d-y.
- 11 Thank you very much.
- 12 PRESIDING MEMBER PERNELL: Okay, thank
- 13 you. Ms. Gefter.
- 14 HEARING OFFICER GEFTER: Yes. We're
- 15 going to move on and talk about the schedule. The
- staff has proposed a schedule. We haven't heard
- 17 the applicant's response to the proposed schedule.
- 18 MR. CARROLL: Applicant does not have
- any specific responses to the proposed schedule.
- 20 We think it's in keeping with the timeline that
- 21 we'd like to see for the project, and we will do
- our utmost to do our part to adhere to it.
- 23 HEARING OFFICER GEFTER: All right.
- Well, the Committee is going to issue a Committee
- 25 scheduling order based on our discussions here

1	today	in t	he	next	few	days.	. And	l th	nat	ord	ler '	will
2	be ser	rved	on	every	one.	It	will	be	up	on	the	web

- 3 for the public to see.
- 4 There's one more issue that I wanted to
- 5 ask the applicant to address, and that's with
- 6 respect to the demographics of the residential
- 7 area, which is half a mile west of the project
- 8 site. And I've spoken to Ms. Heredia about that
- 9 already.
- We need a more specific demographic
- 11 analysis which includes the number of houses, the
- residences, and an EJ analysis of that area.
- 13 And if there are no further comments,
- we -- sorry, yes, Mr. O'Brien.
- MR. O'BRIEN: I'd like to ask the
- 16 applicant a question regarding construction.
- 17 What's the applicant's estimated time of
- 18 construction on this facility?
- 19 MR. HREN: The start of the construction
- 20 would be immediately after all applicable permits
- 21 are issued, which we would expect, you know, late
- October.
- 23 And our plan is to construct the
- facility, and there's a lot of moving parts on a
- construction schedule, with equipment coming in

1	and so forth, but our plan is to have it in simple
2	cycle operation in the summer of 2002.
3	We have a schedule for construction
4	that's broken down in the AFC, you know, I didn't
5	think you wanted to get into that with this
6	answer, but we could break it down and get into
7	more detail if you'd like.
8	HEARING OFFICER GEFTER: Would you
9	estimate it's about a six-month process?
10	MR. HREN: I think it's closer to seven,
11	seven or eight months total. So starting, you
12	know, late October, and completing in the July and
13	August timeframe for the first unit; and shortly
14	thereafter for units two and three.
15	HEARING OFFICER GEFTER: Okay. As the
16	applicant is aware, the Committee has, in our
17	order allowing the process to continue under
18	section 25552, we indicated that the schedule will
19	proceed as long as the applicant provides the
20	requested information. And that if necessary we
21	would have to delay the process if there are
22	delays in receiving the information.
23	So we are asking the applicant to move
24	along as quickly as possible. And staff is
25	already aware of the need to expedite if we're

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1 going to continue.
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2	And we want to include the public in
3	this process. And we will, you know, add the
4	names to the mailing list. And also we ask you to
5	look on the website for any information that the
6	applicant may provide and the staff will provide
7	as we go through this process.
8	The staff will be issuing a staff
9	assessment and then they will be conducting
10	workshop here in the Palm Springs area.
11	And you can look for the schedule that
12	the Committee will issue. That will be on the
13	website shortly.
14	If there are no further comments
15	MR. CARROLL: Ms. Gefter, one procedural
16	issue. Were we going to set a specific date with
17	the Park Service to solicit their comments? Were

MR. PRYOR: Preliminary would be the

9th, I'm sorry -- the 2nd, this Thursday, by

we going to do that later?

21 telephone. And what I intend to do is to provide

22 a call-in number, put that on the web, and then

email those people that we've received email

24 addresses for tonight, if they wish to

25 participate.

18

1	That's preliminary. We still have two
2	or three other people on the federal side to wrap
3	up time and date with.
4	HEARING OFFICER GEFTER: Okay. And,
5	again, Roberta Mendonca, the Public Adviser, will
6	have that information as to the final date. And
7	this will be a teleconference. You'll be able to
8	call in and listen and participate to the
9	discussion.
10	MR. CARROLL: Thank you.
11	HEARING OFFICER GEFTER: And, again, the
12	800 number will be put on the website. And also
13	Ms. Mendonca will have the number if anyone calls
14	her for the information.
15	Hearing no further comment,
16	PRESIDING MEMBER PERNELL: Let me do a
17	quick conclusion here. I really, on behalf of the
18	Commission I want to thank the general public for
19	coming out. And I know this is not easy for you
20	to do. Most of you work, and then you come out in
21	the afternoon to a hearing.
22	Our process is one of inclusion and we
23	want you to be here. We want to hear from you.
24	And we want to hear what your concerns are.
25	I also want to put on notice those that

1	are responsible for getting reports in in terms of
2	schedule. I want to be able to stick to the
3	schedule. Everybody knows what they have to do.
4	Obviously if it's a federal jurisdiction
5	you might not have any control over it, but we
6	want them to know as soon as possible that we need
7	the information so that we can go forward.
8	This Committee is neutral in this, but
9	we need all of the facts so we can make a
10	decision. And we need the facts in a timely
11	manner.
12	So those of you who have been involved
13	in my process know that I want to be able to stick
14	to the schedule. I've heard every excuse in the
15	book. So, I'm just giving you a heads-up.
16	The second thing is, and I don't know if
17	anyone from the City Council or the Mayor's
18	representatives are still here, but we truly
19	appreciate your hospitality and the use of your
20	facilities.
21	I want to thank the applicant for the
<b>11</b>	gito vigit. And graff for all the work that

- I want to thank the applicant for the
  site visit. And staff for all the work that
  they've done. And all of the backup support that
  we have in terms of our record.
- 25 And we will be down here again for

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1 another hearing. And I look forward to seeing
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- 2 everyone then.
- 3 Thank you, all.
- 4 If there's nothing else to come before
- 5 this meeting, --
- DR. PETERMANN: When is the next
- 7 hearing, please?
- PRESIDING MEMBER PERNELL: Well, there
- 9 will be a hearing schedule put out, and you will
- 10 know. Please put your name on the list for our
- 11 Public Adviser, and you will get all of the
- 12 communications.
- 13 And one thing I don't like to hear is
- that the community didn't know. This is some kind
- of surprise, because we have a Public Adviser.
- 16 Everybody in this room should know when the next
- hearing is if you leave your address. I can
- 18 assure you of that.
- 19 And if you're here and leave your
- 20 address and don't get a notice, then I need to
- 21 know about that.
- 22 So, --
- DR. PETERMANN: Very bad planning on
- 24 your part, and you know it. So --
- 25 PRESIDING MEMBER PERNELL: All right,

1	sir.
2	If there's no other business to come
3	before this meeting, this meeting is adjourned.
4	I'll be happy to talk to you offline.
5	(Whereupon, at 10:08 p.m, the
6	informational hearing was adjourned.)
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## CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic

Reporter, do hereby certify that I am a

disinterested person herein; that I recorded the

foregoing California Energy Commission Hearing;

that it was thereafter transcribed into

typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of August, 2001.